

UNITED STATES STATUTES AT LARGE

CONTAINING THE

LAWS AND CONCURRENT RESOLUTIONS
ENACTED DURING THE SECOND SESSION OF THE
NINETIETH CONGRESS
OF THE UNITED STATES OF AMERICA

1968

AND

REORGANIZATION PLANS AND PROCLAMATIONS

VOLUME 82

IN ONE PART



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THE NINETIETH CONGRESS OF THE UNITED STATES

SECOND SESSION, 1968

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PUBLIC LAWS

Public Laws

ENACTED DURING THE

SECOND SESSION OF THE NINETIETH CONGRESS

OF THE

UNITED STATES OF AMERICA

Begun and held at the City of Washington on Monday, January 15, 1968, and adjourned sine die on Monday, October 14, 1968. LYNDON B. JOHNSON, President; HUBERT H. HUMPHREY, Vice President; JOHN W. McCORMACK, Speaker of the House of Representatives.

Public Law 90-250

JOINT RESOLUTION

Extending the dates for transmission of the Economic Report and the report of the Joint Economic Committee.

January 24, 1968
[S. J. Res. 132]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding the provisions of section 3 of the Act of February 20, 1946, as amended (15 U.S.C. 1022), the President shall transmit to the Congress not later than February 5, 1968, the 1968 Economic Report; and (b) notwithstanding the provisions of clause (3) of section 5(b) of the Act of February 20, 1946 (15 U.S.C. 1024(b)), the Joint Economic Committee shall file its report on the President's Economic Report with the Senate and House of Representatives not later than March 22, 1968.

Approved January 24, 1968.

President's 1968
Economic Report.

60 Stat. 24;
70 Stat. 289.

62 Stat. 16.

Public Law 90-251

AN ACT

To amend the Presidential Inaugural Ceremonies Act.

January 30, 1968
[H. R. 827]Presidential
Inaugural Cere-
monies Act,
amendment.
Regulations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Presidential Inaugural Ceremonies Act (70 Stat. 1049; D.C. Code, sec. 1-1202), is amended to read as follows:

"SEC. 2. (a) For each inaugural period the District of Columbia Council is authorized and directed to make all reasonable regulations necessary to secure the preservation of public order and protection of life, health, and property; to make special regulations respecting the standing, movement, and operation of vehicles of whatever character or kind during such period; and to grant, under such conditions as it may impose, special licenses to peddlers and vendors for the privilege of selling goods, wares, and merchandise in such places in the District of Columbia, and to charge such fees for such privilege, as it may deem proper.

Special registra-
tion tags, issu-
ance.

"(b) The Commissioner of the District of Columbia is authorized to issue, for both duly registered motor vehicles and unregistered motor vehicles made available for the use of the Inaugural Committee, special registration tags, valid for a period not exceeding ninety days, designed to celebrate the occasion of the inauguration of the President and Vice President."

Appropriations.

SEC. 2. Section 3 of the Presidential Inaugural Ceremonies Act (D.C. Code, sec. 1-1203) is amended (a) by striking "travel expenses of enforcement personnel from other jurisdictions" and inserting in lieu thereof "travel expenses of enforcement personnel, including sanitarians, from other jurisdictions"; (b) by striking "policemen and firemen" and inserting in lieu thereof "policemen, firemen, and other municipal employees"; and (c) by striking the period at the end of such section and inserting in lieu thereof the following: "; and such sums as may be necessary, payable in like manner as other appropriations for the expenses of the Department of the Interior, to enable the Secretary of the Interior to provide meals for the members of the United States Park Police during the inaugural period."

D.C. Code
1-1208.

SEC. 3. Section 8 of the Presidential Inaugural Ceremonies Act is amended by deleting the term "Commissioners" and inserting in lieu thereof "District of Columbia Council".

D.C. Code
1-1201 note.

SEC. 4. The Presidential Inaugural Ceremonies Act is amended by adding at the end thereof the following new section:

"Commis-
sioners."

"SEC. 10. Wherever the term 'Commissioners' is used in this Act, such term shall be deemed to refer to the Commissioner of the District of Columbia."

Approved January 30, 1968.

Public Law 90-252

AN ACT

To increase the amounts authorized for Indian adult vocational education.

February 3, 1968
[S. 306]Indians.
Vocational
education.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act relative to employment for certain adult Indians on or near Indian reservations", approved August 3, 1956 (25 U.S.C. 309a), is amended by striking out "\$15,000,000" and inserting in lieu thereof "\$25,000,000".

79 Stat. 74.

Approved February 3, 1968.

Public Law 90-253

JOINT RESOLUTION

Authorizing the President to proclaim the period February 11 through 17, 1968, as "LULAC Week".

February 10, 1968
[H. J. Res. 947]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the period February 11 through 17, 1968, as "LULAC Week", and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

LULAC Week.
Proclamation.

Approved February 10, 1968.

Public Law 90-254

AN ACT

To authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments, and for other purposes.

February 13, 1968
[S. 1788]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to engage in feasibility studies of the following proposals:

Water resource
developments.
Investigations.

1. Missouri River Basin project, Garrison division, Garrison diversion unit, Minot extension, in the vicinity of Minot, North Dakota.

2. Mogollon Mesa project, Winslow-Holbrook division in the Little Colorado River Basin in the vicinity of Winslow and Holbrook, Arizona.

3. Mountain Park project in the vicinity of Altus, Oklahoma.

4. Retrop project on the North Fork of the Red River in the vicinity of the W. C. Austin project, Oklahoma.

5. Washita River Basin project, Foss Dam and Reservoir water quality investigation, on the Washita River near Clinton, Oklahoma.

6. Rogue River Basin project, Evans Valley division, on Evans Creek, a tributary of the Rogue River, in southwestern Oregon.

Approved February 13, 1968.

Public Law 90-255

AN ACT

To amend section 408 of the National Housing Act, as amended, to provide for the regulation of savings and loan holding companies and subsidiary companies.

February 14, 1968
[S. 1542]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Savings and Loan Holding Company Amendments of 1967".

Savings and
Loan Holding
Company Amend-
ments of 1967.

SEC. 2. Section 408 of the National Housing Act, as amended (12 U.S.C. 1730a), is hereby amended to read as follows:

73 Stat. 691;
80 Stat. 1046.

"REGULATION OF HOLDING COMPANIES

"SEC. 408. (a) DEFINITIONS.—(1) As used in this section, unless the context otherwise requires—

"(A) 'insured institution' means a Federal savings and loan association, a building and loan, savings and loan, or homestead association or a cooperative bank, the accounts of which are insured by the Federal Savings and Loan Insurance Corporation;

"(B) 'uninsured institution' means any association or bank referred to in subparagraph (A) hereof, the accounts of which are not insured by the Federal Savings and Loan Insurance Corporation;

"(C) 'company' means any corporation, partnership, trust, joint-stock company, or similar organization, but does not include the Federal Savings and Loan Insurance Corporation, any Federal home loan bank, or any company the majority of the shares of which is owned by the United States or any State, or by an officer of the United States or any State in his official capacity, or by an instrumentality of the United States or any State;

"(D) 'savings and loan holding company' means any company which directly or indirectly controls an insured institution or controls any other company which is a savings and loan holding company by virtue of this subsection;

"(E) 'multiple savings and loan holding company' means any savings and loan holding company which directly or indirectly controls two or more insured institutions;

"(F) 'diversified savings and loan holding company' means any savings and loan holding company whose subsidiary insured institution and related activities as permitted under paragraph (2) of subsection (c) of this section represented, on either an actual or a pro forma basis, less than 50 per centum of its consolidated net worth at the close of its preceding fiscal year and of its consolidated net earnings for such fiscal year (or, during the first year's operation of the section, at such time as the holding company so qualifies), as determined in accordance with regulations issued by the Corporation;

"(G) 'person' means an individual or company;

"(H) 'subsidiary' of a person means any company which is controlled by such person, or by a company which is a subsidiary of such person by virtue of this subsection;

"(I) 'affiliate' of a specified insured institution means any person or company which controls, is controlled by, or is under common control with, such insured institution; and

"(J) 'State' includes the District of Columbia and the Commonwealth of Puerto Rico.

"(2) For purposes of this section, a person shall be deemed to have control of—

"(A) an insured institution if the person directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, or holds with power to vote, or holds proxies representing, more than 25 per centum of the

voting shares of such insured institution, or controls in any manner the election of a majority of the directors of such institution;

“(B) any other company if the person directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, or holds with power to vote, or holds proxies representing, more than 25 per centum of the voting shares or rights of such other company, or controls in any manner the election or appointment of a majority of the directors or trustees of such other company, or is a general partner in or has contributed more than 25 per centum of the capital of such other company;

“(C) a trust if the person is a trustee thereof; or

“(D) an insured institution or any other company if the Corporation determines, after reasonable notice and opportunity for hearing, that such person directly or indirectly exercises a controlling influence over the management or policies of such institution or other company.

“(3) Notwithstanding any other provision of this subsection, the term ‘savings and loan holding company’ does not include—

“(A) any company by virtue of its ownership or control of voting shares of an insured institution or a savings and loan holding company acquired in connection with the underwriting of securities if such shares are held only for such period of time (not exceeding one hundred and twenty days unless extended by the Corporation) as will permit the sale thereof on a reasonable basis; and

“(B) any trust (other than a pension, profit-sharing, shareholders’, voting, or business trust) which controls an insured institution or a savings and loan holding company if such trust by its terms must terminate within twenty-five years or not later than twenty-one years and ten months after the death of individuals living on the effective date of the trust, and is (i) in existence on June 26, 1967, or (ii) a testamentary trust created on or after June 26, 1967.

“(b) REGISTRATION AND EXAMINATION.—(1) Within one hundred and eighty days after the enactment of the Savings and Loan Holding Company Amendments of 1967, or within ninety days after becoming a savings and loan holding company, whichever is later, each savings and loan holding company shall register with the Corporation on forms prescribed by the Corporation, which shall include such information, under oath or otherwise, with respect to the financial condition, ownership, operations, management, and intercompany relationships of such holding company and its subsidiaries, and related matters, as the Corporation may deem necessary or appropriate to carry out the purposes of this section. Upon application, the Corporation may extend the time within which a savings and loan holding company shall register and file the requisite information.

“(2) Each savings and loan holding company and each subsidiary thereof, other than an insured institution, shall file with the Corporation, and the Federal home loan bank of the district in which its principal office is located, such reports as may be required by the Corporation. Such reports shall be made under oath or otherwise, and shall be in such form and for such periods, as the Corporation may prescribe.

Filing of
reports.

Each report shall contain such information concerning the operations of such savings and loan holding company and its subsidiaries as the Corporation may require.

Recordkeeping.

“(3) Each savings and loan holding company shall maintain such books and records as may be prescribed by the Corporation.

Examinations;
costs; reports.

“(4) Each savings and loan holding company and each subsidiary thereof shall be subject to such examinations as the Corporation may prescribe. The cost of such examinations shall be assessed against and paid by such holding company. Examination and other reports may be furnished by the Corporation to the appropriate State supervisory authority. The Corporation shall, to the extent deemed feasible, use for the purposes of this subsection reports filed with or examinations made by other Federal agencies or the appropriate State supervisory authority.

Service of
process.

“(5) The Corporation shall have power to require any savings and loan holding company, or persons connected therewith if it is not a corporation, to execute and file a prescribed form of irrevocable appointment of agent for service of process.

Release from
registration.

“(6) The Corporation may at any time, upon its own motion or upon application, release a registered savings and loan holding company from any registration theretofore made by such company, if the Corporation shall determine that such company no longer has control of any insured institution.

“(c) **HOLDING COMPANY ACTIVITIES.**—Except as otherwise provided in this subsection—

“(1) no savings and loan holding company or subsidiary thereof which is not an insured institution shall, for or on behalf of a subsidiary insured institution, engage in any activity or render any services for the purpose or with the effect of evading law or regulation applicable to such insured institution; and

“(2) no multiple savings and loan holding company or subsidiary thereof which is not an insured institution shall commence, or continue for more than two years after the enactment of this amendment or for more than one hundred and eighty days after becoming a savings and loan holding company or subsidiary thereof (whichever is later), any business activity other than (A) furnishing or performing management services for a subsidiary insured institution, (B) conducting an insurance agency or an escrow business, (C) holding or managing or liquidating assets owned by or acquired from a subsidiary insured institution, (D) holding or managing properties used or occupied by a subsidiary insured institution, (E) acting as trustee under deed of trust, or (F) furnishing or performing such other services or engaging in such other activities as the Corporation may approve or may prescribe by regulation as being a proper incident to the operations of insured institutions and not detrimental to the interests of savings account holders therein. The Corporation may, upon a showing of good cause, extend such time from year to year, for an additional period not exceeding three years, if the Corporation finds such extension would not be detrimental to the public interest.

“(d) **PROHIBITED TRANSACTIONS.**—No savings and loan holding company's subsidiary insured institution shall—

“(1) invest any of its funds in the stock, bonds, debentures, notes, or other obligations of any affiliate (other than a service corporation as authorized by law);

“(2) accept the stock, bonds, debentures, notes, or other obligations of any affiliate as collateral security for any loan or extension of credit made by such institution;

“(3) purchase securities or other assets or obligations under repurchase agreement from any affiliate;

“(4) make any loan, discount, or extension of credit to (A) any affiliate, except in a transaction authorized by subparagraph (A) of paragraph (6) of this subsection, or (B) any third party on the security of any property acquired from any affiliate, or with knowledge that the proceeds of any such loan, discount, or extension of credit, or any part thereof, are to be paid over to or utilized for the benefit of any affiliate;

“(5) guarantee the repayment of or maintain any compensating balance for any loan or extension of credit granted to any affiliate by any third party;

“(6) except with the prior written approval of the Corporation—

“(A) engage in any transaction with any affiliate involving the purchase, sale, or lease of property or assets (other than participating interests in mortgage loans to the extent authorized by regulations of the Corporation) in any case where the amount of the consideration involved when added to the aggregate amount of the consideration given or received by such institution for all such transactions during the preceding twelve-month period exceeds the lesser of \$100,000 or 0.1 per centum of the institution's total assets at the end of the preceding fiscal year; or

“(B) enter into any agreement or understanding, either in writing or orally, with any affiliate under which such affiliate is to (i) render management or advertising services for the institution, (ii) serve as a consultant, adviser, or agent for any phase of the operations of the institution, or (iii) render services of any other nature for the institution, other than those which may be exempted by regulation or order of the Corporation, unless the aggregate amount of the consideration required to be paid by such institution in the future under all such existing agreements or understandings cannot exceed the lesser of \$100,000 or 0.1 per centum of the institution's total assets at the end of the preceding fiscal year; or

“(C) make any payment to any affiliate under any agreement or understanding hereinabove referred to in subparagraph (B) where the institution has previously paid to affiliates during the preceding twelve-month period, pursuant to any such agreements or understandings, an amount aggregating in excess of the lesser of \$100,000 or 0.1 per centum of the institution's total assets at the end of the preceding fiscal year.

The Corporation shall grant approval under this paragraph (6) if, in the opinion of the Corporation, the terms of any such transaction, agreement, or understanding, or any such payment by such institution, would not be detrimental to the interests of its savings account holders or to the insurance risk of the Corporation with respect to such institution.

“(e) ACQUISITIONS.—(1) It shall be unlawful for—

“(A) any savings and loan holding company directly or indirectly, or through one or more subsidiaries or through one or more transactions—

“(i) to acquire, except with the prior written approval of the Corporation, the control of an insured institution or a savings and loan holding company, or to retain the control of such an institution or holding company acquired or retained in violation of this section as heretofore or hereafter in effect;

“(ii) to acquire, except with the prior written approval of the Corporation, by the process of merger, consolidation, or purchase of assets, another insured or uninsured institution or a savings and loan holding company, or all or substantially all of the assets of any such institution or holding company;

“(iii) to acquire by purchase or otherwise, or to retain for more than one year after the enactment of this amendment, any of the voting shares of an insured institution not a subsidiary, or of a savings and loan holding company not a subsidiary, or, in the case of a multiple savings and loan holding company, to so acquire or retain more than 5 per centum of the voting shares of any company not a subsidiary which is engaged in any business activity other than those specified in paragraph (2) of subsection (c) of this section; or

“(iv) to acquire the control of an uninsured institution, or to retain for more than one year after the effective date of this amendment or from the date on which such control was acquired, whichever is later, the control of any such institution;

“(B) any other company, without the prior written approval of the Corporation, directly or indirectly, or through one or more subsidiaries or through one or more transactions, to acquire the control of one or more insured institutions, except that such approval shall not be required in connection with the control of an insured institution (i) acquired by devise under the terms of a will creating a trust which is excluded from the definition of ‘savings and loan holding company’ under subsection (a) of this section, or (ii) acquired in connection with a reorganization in which a person or group of persons, having had control of an insured institution for more than three years, vests control of that institution in a newly formed holding company subject to the control of the same person or group of persons. The Corporation shall approve an acquisition of an insured institution under this subparagraph unless it finds the financial and managerial resources and future prospects of the company and institution involved to be such that the acquisition would be detrimental to the institution or the insurance risk of the Corporation, and shall render its decision within ninety days after submission to the Board of the complete record on the application.

“(2) The Corporation shall not approve any acquisition under subparagraphs (A) (i) or (A) (ii), or of more than one insured institution under subparagraph (B), of paragraph (1) of this subsection except in accordance with this paragraph. In every case, the Corporation shall take into consideration the financial and managerial resources and future prospects of the company and institution involved, and the convenience and needs of the community to be served, and shall render its decision within ninety days after submission to the Board of the complete record on the application. Before approving any such acquisition, the Corporation shall request from the Attorney General and consider any report rendered within thirty days on the competitive factors involved. The Corporation shall not approve any proposed acquisition—

“(A) which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the savings and loan business in any part of the United States, or

“(B) the effect of which in any section of the country may be substantially to lessen competition, or tend to create a monopoly, or which in any other manner would be in restraint of trade, un-

less it finds that the anticompetitive effects of the proposed acquisition are clearly outweighed in the public interest by the probable effect of the acquisition in meeting the convenience and needs of the community to be served.

“(3) No acquisition shall be approved by the Corporation under this subsection which will—

“(A) result in the formation by any company, through one or more subsidiaries or through one or more transactions, of a multiple savings and loan holding company controlling insured institutions in more than one State; or

“(B) enable an existing multiple savings and loan holding company to acquire an insured institution the principal office of which is located in a State other than the State which such savings and loan holding company shall designate, by writing filed with the Corporation within sixty days after its registration hereunder, as the State in which the principal savings and loan business of such holding company is conducted.

“(4) The provisions of this subsection and of subsections (c) (2) and (g) of this section shall not apply to any savings and loan holding company which acquired the control of an insured institution or of a savings and loan holding company pursuant to a pledge or hypothecation to secure a loan, or in connection with the liquidation of a loan, made in the ordinary course of business, but it shall be unlawful for any such company to retain such control for more than one year after the enactment of this amendment or from the date on which such control was acquired, whichever is later, except that the Corporation may upon application by such company extend such one-year period from year to year, for an additional period not exceeding three years, if the Corporation finds such extension is warranted and would not be detrimental to the public interest.

“(f) **DECLARATION OF DIVIDEND.**—Every subsidiary insured institution of a savings and loan holding company shall give the Corporation not less than thirty days’ advance notice of the proposed declaration by its directors of any dividend on its guaranty, permanent, or other nonwithdrawable stock. Such notice period shall commence to run from the date of receipt of such notice by the Corporation. Any such dividend declared with such period, or without the giving of such notice to the Corporation, shall be invalid and shall confer no rights or benefits upon the holder of any such stock.

“(g) **HOLDING COMPANY INDEBTEDNESS.**—(1) No savings and loan holding company or any subsidiary thereof which is not an insured institution shall issue, sell, renew, or guarantee any debt security of such company or subsidiary, or assume any debt, without the prior written approval of the Corporation.

“(2) The provisions of paragraph (1) of this subsection shall not apply to—

“(A) a diversified savings and loan holding company or any subsidiary thereof; or

“(B) the issuance, sale, renewal, or guaranty of any debt security, or the assumption of any debt, by any other savings and loan holding company or any subsidiary thereof, if such security or debt aggregates, together with all such other securities or debt then outstanding as to which such holding company or subsidiary is primarily or contingently liable, not more than 15 per centum of the consolidated net worth of such holding company or subsidiary at the end of the preceding fiscal year.

“(3) The Corporation shall, upon application, approve any act or transaction not exempted from the application of paragraph (1) of this subsection if the Corporation finds that—

“(A) the proceeds of any such act or transaction will be used for (i) the purchase of permanent, guaranty, or other nonwithdrawable stock to be issued by a subsidiary insured institution, or (ii) the purpose of making a capital contribution to a subsidiary insured institution; or

“(B) such act or transaction is required for the purpose of refunding, extending, exchanging, or discharging an outstanding debt security, or for other necessary or urgent corporate needs, and would not impose an unreasonable or imprudent financial burden on the applicant.

The Corporation may also approve any application under this paragraph if it finds that the act or transaction would not be injurious to the operation of any subsidiary insured institution in the light of its financial condition and prospects.

“Applications filed with the Corporation pursuant to this subsection shall be in such form and contain such information as the Corporation may prescribe.

“(4) If a State authority or any other agency of the United States, having jurisdiction of any act or transaction within the scope of paragraph (1) of this subsection, shall inform the Corporation, upon request by the Corporation for an opinion or otherwise, that State or Federal laws applicable thereto have not been complied with, the Corporation shall not approve such act or transaction until and unless the Corporation is satisfied that such compliance has been effected.

“Debt security.”

“(5) As used in this subsection, the term ‘debt security’ includes any note, draft, bond, debenture, certificate of indebtedness, or any other instrument commonly used as evidence of indebtedness, or any contract or agreement under the terms of which any party becomes, or may become, primarily or contingently liable for the payment of money, either in the present or at a future date.

“(6) (A) If the Corporation finds that a diversified savings and loan holding company does not meet the test prescribed in subparagraph (B) of this paragraph, such holding company or any subsidiary thereof may not accept, use, or receive the benefit of any dividend on stock from a subsidiary insured institution, and such institution may not declare or pay any dividend on its stock to such holding company or subsidiary, unless the Corporation fails to object, within thirty days of receipt of notification under subsection (f) of this section, to such dividend as being injurious to the insured institution in the light of its financial condition and prospects.

“(B) The prohibition of subparagraph (A) of this paragraph shall not apply to a diversified savings and loan holding company or any subsidiary thereof if, excluding its subsidiary insured institution, its consolidated net income available for interest for its preceding fiscal year was twice its consolidated debt service requirements for the twelve-month period next succeeding such fiscal year, as determined in accordance with regulations issued by the Corporation.

Rules and regulations.

“(h) ADMINISTRATION AND ENFORCEMENT.—(1) The Corporation is authorized to issue such rules, regulations, and orders as it deems necessary or appropriate to enable it to administer and carry out the purposes of this section, and to require compliance therewith and prevent evasions thereof.

Investigations.

“(2) The Corporation may make such investigations as it deems necessary or appropriate to determine whether the provisions of this section, and rules, regulations, and orders thereunder, are being and have been complied with by savings and loan holding companies and subsidiaries and affiliates thereof. For the purpose of any investigation

under this section, the Corporation or its designated representatives shall have power to administer oaths and affirmations, to issue subpoenas and subpoenas duces tecum, to take evidence, and to require the production of any books, papers, correspondence, memorandums, or other records which may be relevant or material to the inquiry. The attendance of witnesses and the production of any such records may be required from any place in any State or in any territory. The Corporation may apply to the United States district court for the judicial district or the United States court in any territory in which any witness or company subpoenaed resides or carries on business, for enforcement of any subpoena or subpoena duces tecum issued pursuant to this paragraph, and such courts shall have jurisdiction and power to order and require compliance therewith.

“(3) (A) In the course of or in connection with any proceeding under subsection (a) (2) (D) of this section, the Corporation or its designated representatives, including any person designated to conduct any hearing under said subsection, shall have power to administer oaths and affirmations, to take or cause to be taken depositions, and to issue, revoke, quash, or modify subpoenas and subpoenas duces tecum; and the Corporation is empowered to make rules and regulations with respect to any such proceedings. The attendance of witnesses and the production of documents provided for in this paragraph may be required from any place in any State or in any territory at any designated place where such proceeding is being conducted. Any party to such proceedings may apply to the United States District Court for the District of Columbia, or the United States district court for the judicial district or the United States court in any territory in which such proceeding is being conducted, or where the witness resides or carries on business, for enforcement of any subpoena or subpoena duces tecum issued pursuant to this paragraph, and such courts shall have jurisdiction and power to order and require compliance therewith. Witnesses subpoenaed under this section shall be paid the same fees and mileage that are paid witnesses in the district courts of the United States.

“(B) Any hearing provided for in subsection (a) (2) (D) of this section shall be held in the Federal judicial district or in the territory in which the principal office of the institution or other company is located unless the party afforded the hearing consents to another place, and shall be conducted in accordance with the provisions of chapter 5 of title 5 of the United States Code.

“(4) Whenever it shall appear to the Corporation that any person is engaged or has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of the provisions of this section or of any rule, regulation, or order thereunder, the Corporation may in its discretion bring an action in the proper United States district court, or the United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, to enforce compliance with this section or any rule, regulation, or order thereunder, or to require the divestiture of any acquisition in violation of this section, or for any combination of the foregoing, and such courts shall have jurisdiction of such actions, and upon a proper showing an injunction, decree, restraining order, order of divestiture, or other appropriate order shall be granted without bond.

“(5) All expenses of the Federal Home Loan Bank Board or of the Corporation under this section shall be considered as nonadministrative expenses.

80 Stat. 381;
81 Stat. 195.
5 USC 500 et
seq.

Nonadministrative expenses.

“(i) PROHIBITED ACTS.—It shall be unlawful for—

“(1) any savings and loan holding company or subsidiary thereof, or any director, officer, employee, or person owning, controlling, or holding with power to vote, or holding proxies representing, more than 25 per centum of the voting shares, of such holding company or subsidiary, to hold, solicit, or exercise any proxies in respect of any voting rights in an insured institution which is a mutual institution;

“(2) any director or officer of a savings and loan holding company, or any person owning, controlling, or holding with power to vote, or holding proxies representing, more than 25 per centum of the voting shares of such holding company (A), except with the prior approval of the Corporation, to serve at the same time as a director, officer, or employee of an insured institution or another savings and loan holding company, not a subsidiary of such holding company, or (B) to acquire control, or to retain control for more than two years after the enactment of this subsection, of any insured institution not a subsidiary of such holding company; or

“(3) any individual, except with the prior approval of the Corporation, to serve or act as a director, officer, or trustee of, or become a partner in, any savings and loan holding company after having been convicted of any criminal offense involving dishonesty or breach of trust.

“(j) PENALTIES.—(1) Any company which willfully violates any provision of this section, or any rule, regulation, or order thereunder, shall upon conviction be fined not more than \$1,000 for each day during which the violation continues.

“(2) Any individual who willfully violates or participates in a violation of any provision of this section, or any rule, regulation, or order thereunder, shall upon conviction be fined not more than \$10,000 or imprisoned not more than one year, or both.

“(3) Every director, officer, partner, trustee, agent, or employee of a savings and loan holding company shall be subject to the same penalties for false entries in any book, report, or statement of such savings and loan holding company as are applicable to officers, agents, and employees of an institution the accounts of which are insured by the Corporation for false entries in any books, reports, or statements of such institution under section 1006 of title 18 of the United States Code.

“(k) JUDICIAL REVIEW.—Any party aggrieved by an order of the Corporation under this section may obtain a review of such order by filing in the court of appeals of the United States for the circuit in which the principal office of such party is located, or in the United States Court of Appeals for the District of Columbia Circuit, within thirty days after the date of service of such order, a written petition praying that the order of the Corporation be modified, terminated, or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Corporation, and thereupon the Corporation shall file in the court the record in the proceeding, as provided in section 2112 of title 28 of the United States Code. Upon the filing of such petition, such court shall have jurisdiction, which upon the filing of the record shall be exclusive, to affirm, modify, terminate, or set aside, in whole or in part, the order of the Corporation. Review of such proceedings shall be had as provided in chapter 7 of title 5 of the United States Code. The judgment and decree of the court shall be

62 Stat. 750;
70 Stat. 714.

72 Stat. 941;
80 Stat. 1323.

80 Stat. 392.
5 USC 701-706.

final, except that the same shall be subject to review by the Supreme Court upon certiorari as provided in section 1254 of title 28 of the United States Code.

62 Stat. 928.

“(1) SAVING CLAUSE.—Nothing contained in this section, other than mergers or acquisitions approved under section 408(e) (2), shall be interpreted or construed as approving any act, action, or conduct which is or has been or may be in violation of existing law, nor shall anything herein contained constitute a defense to any action, suit, or proceeding pending or hereafter instituted on account of any act, action, or conduct in violation of the antitrust laws.”

Approved February 14, 1968.

Public Law 90-256

AN ACT

February 14, 1968

[S. 491]

To determine the rights and interests of the Navajo Tribe and the Ute Mountain Tribe of the Ute Mountain Reservation in and to certain lands in the State of New Mexico, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Navajo-Ute Boundary Dispute Act”.

Navajo-Ute
Boundary Dispute
Act.

SEC. 2. The consent of the United States is hereby given to either or both the Navajo Tribe of Indians and the Ute Mountain Tribe of the Ute Mountain Reservation to bring suit against each other, and against any other tribe of Indians, persons, or entities, to quiet the beneficial title in and to such lands in the State of New Mexico as are common to the description contained in article II of the treaty concluded June 1, 1868, between the United States and the Navajo Nation or Tribe of Indians and proclaimed August 12, 1868 (15 Stat. 667), setting apart certain lands for the use and occupation of the Navajo Tribe of Indians, and to the description contained in section 3 of the Act approved February 20, 1895 (28 Stat. 677), setting apart certain lands for the sale and exclusive use and occupancy of the Southern Ute Indians described therein. The United States asserts no beneficial claim to or interest in such land, acknowledges that it holds the legal title to the land in trust, recognizes that the beneficial title cannot be litigated without the consent of the United States, and consents to litigation between the two Indian tribes only in order that their conflicting claims of beneficial title may be conclusively determined. The United States shall not be joined as a party defendant in the litigation, and nothing in this Act shall be construed to authorize a claim against the United States. The Secretary of the Interior shall administer the land in accordance with the judicial determination of beneficial title.

SEC. 3. Any action commenced pursuant to section 2 of this Act shall be heard and determined by a district court of three judges in the United States District Court for the District of New Mexico, in accordance with the provisions of title 28, United States Code, section 2284, and, subject to the provisions of section 4 of this Act, any party may appeal as of right directly to the Supreme Court of the United States from the final determination by such three-judge district court.

62 Stat. 968.

SEC. 4. It is hereby declared to be the intent and the objective of the Congress that the relative rights and interests of all parties making claims against each other in and to the surface and the subsurface of the lands identified in section 2 of this Act be judicially determined in accordance with such principles as may be just and fair in law and equity, including a consistent award or awards or release or releases to either or both the Navajo Tribe and the Ute Mountain Tribe of the

Intent of
Congress.

Ute Mountain Reservation of such bonus sums, rentals, and royalties, or other moneys paid or received on account of the leasing of any portion of such lands and now held in a joint account in the Treasury of the United States pursuant to the agreement dated May 9, 1957, between the two tribes, approved by the Area Director of the Bureau of Indian Affairs. In furtherance of the accomplishment of this intent and the attainment of this objective, the parties are hereby authorized to enter into a settlement agreement, in which provision may be made for a recognition in perpetuity of their relative rights to use and to enjoy the surface and the subsurface of the lands identified in section 2 of this Act, including the division of any and all of such bonus sums, rentals, and royalties, or other moneys paid or received on account of the leasing of any portion of said lands for any purpose or purposes. Such settlement agreement may be embodied in and be made a part of any decree of the court, which thereupon shall be final and conclusive with respect to the rights and interests of all parties.

SEC. 5. Nothing in this Act shall be deemed to be a congressional determination of the merits of the conflicting tribal, individual Indian, or other claims with respect to the lands that are the subject of this Act.

Approved February 14, 1968.

Public Law 90-257

AN ACT

February 15, 1968
[H.R. 14563]

To amend the Railroad Retirement Act of 1937 and the Railroad Unemployment Insurance Act to provide for increase in benefits, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

Railroad Retirement Act of 1937 and Railroad Unemployment Insurance Act, amendment.

TITLE I—AMENDMENTS TO THE RAILROAD RETIREMENT ACT

SEC. 101. The eighth sentence of section 1(h) of the Railroad Retirement Act of 1937 is amended by inserting "before 1968" after "calendar month" and by adding after such eighth sentence the following new sentence: "In making such a determination there shall be attributable as compensation paid to him for each calendar month after 1967 in which he is in military service so creditable the amount of \$260."

SEC. 102. The second paragraph of section 2(d) of the Railroad Retirement Act of 1937 is amended by striking out "\$1,200" wherever this figure appears and inserting in lieu thereof "\$2,400"; by striking out "\$100" wherever such figure appears and inserting in lieu thereof "\$200"; and by striking out "\$50" and inserting in lieu thereof "\$100".

SEC. 103. (a) Section 2(e) of the Railroad Retirement Act of 1937 is amended by striking out "reduction" and inserting in lieu thereof

50 Stat. 309.
45 USC 228a.

68 Stat. 1038;
73 Stat. 26.
45 USC 228b.

65 Stat. 683;
80 Stat. 1075.

"reductions", and by striking out "section 3(a)(1) of this Act" and all that follows and inserting in lieu thereof "section 3(a)(2).".

(b) Section 2(i) of such Act is amended by striking out "the first two provisos in section 3(a)(1)" and all that follows and inserting in lieu thereof "the second proviso in section 3(a)(2), except that, notwithstanding other provisions of this subsection, the spouse's annuity shall (before any reduction on account of age) not be less than one-half of the amount computed in section 3(a)(1) increased by \$5 or, if the spouse is entitled to benefits under title II of the Social Security Act, by the excess of \$5 over 5.8 per centum of the lesser of (i) any benefit to which such spouse is entitled under title II of the Social Security Act, or (ii) the spouse's annuity to which such spouse would be entitled without regard to section 3(a)(2) and before any reduction on account of age, but in no case shall such an annuity (before any reduction on account of age) be more than the maximum amount of a spouse's annuity as provided in subsection (e)."

80 Stat. 1075.

42 USC 401.

SEC. 104. (a) Section 3(a) of the Railroad Retirement Act of 1937 is amended by striking out all that appears therein and inserting in lieu thereof the following:

Computation of annuities.
80 Stat. 1075.
45 USC 228c.

"SEC. 3. (a)(1) The annuity of an individual shall be computed by multiplying his 'years of service' by the following percentages of his 'monthly compensation': 3.58 per centum of the first \$50; 2.69 per centum of the next \$100; and 1.79 per centum of the remainder up to a total of (i) \$450, or (ii) an amount equal to one-twelfth of the current maximum and taxable 'wages' as defined in section 3121 of the Internal Revenue Code of 1954, whichever is greater.

68A Stat. 417.
26 USC 3121.

"(2) The annuity of the individual (as computed under paragraph (1) of this subsection, or under that part of subsection (e) of this section preceding the first proviso) shall be increased in an amount determined from his monthly compensation by use of the following table:

Monthly compensation:	Increase
Up to \$100.....	\$9. 13
\$101 to \$150.....	11. 22
\$151 to \$200.....	12. 87
\$201 to \$250.....	14. 63
\$251 to \$300.....	16. 17
\$301 to \$350.....	17. 82
\$351 to \$400.....	19. 47
\$401 to \$450.....	20. 90
\$451 to \$500.....	22. 55
\$501 to \$550.....	24. 09
\$551 to \$600.....	27. 83
\$601 and over.....	31. 46

The amount of the increase shall be the amount on the same line as that in which the range of monthly compensation includes his monthly compensation: *Provided, however*, That, for months with respect to which the individual is entitled to a supplemental annuity under subsection (j), the increase provided in this paragraph shall be reduced by 6.55 per centum of the amount determined under paragraph (1), or

80 Stat. 1073.

42 USC 401.

81 Stat. 821.

Minimum an-
nuity.
80 Stat. 1076.
45 USC 228c.

42 USC 402.

73 Stat. 26.
45 USC 228b.

under that part of subsection (e) of this section which precedes the first proviso, which is based on the first \$450 of the monthly compensation or an amount equal to the amount of the supplemental annuity payable to him, whichever is less: *Provided further*, That for months with respect to which the individual is entitled to a benefit under title II of the Social Security Act, the increase shall be reduced by (i) 17.3 per centum of such social security benefit if the increase has not been reduced pursuant to the preceding proviso or (ii) 11.5 per centum of such social security benefit if the increase has been reduced pursuant to the preceding proviso (disregarding for the purpose of this and the following proviso any increase in such benefit based on recomputations other than for the correction of errors after the first adjustment and any increases derived from legislation enacted after the Social Security Amendments of 1967): *And provided further*, That the amount computed under this subsection for any month shall not be less than the amount computed in accordance with paragraph (1), or under that part of subsection (e) of this section which precedes the first proviso, plus (i) \$10 minus any reduction made pursuant to the first proviso of this paragraph or (ii) if the individual is entitled to a benefit under title II of the Social Security Act and no reduction is made pursuant to the first proviso of this paragraph, \$10 minus 5.8 per centum of the lesser of the amount of such social security benefit, or of the amount computed in accordance with paragraph (1), or under that part of subsection (e) of this section which precedes the first proviso."

(b) The first paragraph of section 3(e) of such Act is amended by striking out the language before the first proviso beginning with "except that" and continuing through "amended in 1966"; by striking out the language beginning with "(deeming" and continuing through "the Social Security Act)"; and by adding at the end thereof the following three new paragraphs:

"For the purposes of the first proviso in the first paragraph of this subsection, (i) completely and partially insured individuals shall be deemed to be fully and currently insured, respectively; (ii) individuals entitled to insurance annuities under subsections (a) (1) and (d) of section 5 of this Act shall be deemed to have attained age 62 (the provisions of this clause shall not apply to individuals who, though entitled to insurance annuities under section 5(a) (1) of this Act, were entitled to an annuity under section 5(a) (2) of this Act for the month before the month in which they attained age 60); (iii) individuals entitled to insurance annuities under section 5(a) (2) of this Act shall be deemed to be entitled to insurance benefits under section 202(e) or (f) of the Social Security Act on the basis of disability; (iv) individuals entitled to insurance annuities under section 5(c) of this Act on the basis of disability shall be deemed to be entitled to insurance benefits under section 202(d) of the Social Security Act on the basis of disability; and (v) women entitled to spouses' annuities pursuant to elections made under section 2(h) of this Act shall be deemed to be

entitled to wives' insurance benefits determined under section 202(q) of the Social Security Act; and, for the purposes of this subsection, any possible deductions under subsections (g) and (h) (2) of section 203 of the Social Security Act shall be disregarded.

42 USC 403.

"Notwithstanding the provisions of section 202(q) of the Social Security Act, the amount determined under the proviso in the first paragraph of this subsection for a widow or widower who is or has been entitled to an annuity under section 5(a) (2) of this Act, shall be equal to 90.75 per centum of the primary insurance amount (reduced in accordance with section 203(a) of the Social Security Act) of the employee as determined under this subsection, and the amount so determined shall be reduced by three-tenths of 1 per centum for each month the annuity would be subject to a reduction under section 5(a) (2) of this Act (adjusted upon attainment of age 60 in the same manner as an annuity under section 5(a) (1) of this Act which, before attainment of age 60, had been payable under section 5(a) (2) of this Act); and the amount so determined shall be reduced by the amount of any benefit under title II of the Social Security Act to which she or he is, or on application would be, entitled.

42 USC 402.

42 USC 401.

"In cases where an annuity under this Act is not payable under the first proviso in the first paragraph of this subsection on the date of enactment of the Social Security Amendments of 1967, the primary insurance amount used in determining the applicability of such proviso shall, except in cases where the employee died before 1939, be derived after deeming the individual on whose service and compensation the annuity is based (i) to have become entitled to social security benefits, or (ii) to have died without being entitled to such benefits, after the date of the enactment of the Social Security Amendments of 1967. For this purpose, the provision of section 215(b) (3) of the Social Security Act that the employee must have reached age 65 (62 in the case of a woman) after 1960 shall be disregarded and there shall be substituted for the nine-year period prescribed in section 215(d) (1) (B) (i) of the Social Security Act, the number of years elapsing after 1936 and up to the year of death if the employee died before 1946."

81 Stat. 821.

42 USC 415.

81 Stat. 864.

SEC. 105. (a) Section 5(a) of the Railroad Retirement Act of 1937 is amended by inserting "(1)" before "A widow"; by inserting before the colon the following: ", except that if the widow or widower will have been paid an annuity under paragraph (2) of this subsection the annuity for a month under this paragraph shall be in an amount equal to the amount calculated under such paragraph (2) except that, in such calculation, any month with respect to which an annuity under paragraph (2) is not paid shall be disregarded"; and by inserting at the end thereof the following new paragraph:

Annuities for
survivors.
60 Stat. 729;
65 Stat. 685.
45 USC 228e.

"(2) A widow or widower of a completely insured employee who will have attained the age of fifty but will not have attained age sixty and is under a disability, as defined in this paragraph, and such disability began before the end of the period prescribed in the last sentence of this paragraph, shall be entitled to an annuity for each month, unless she or he has remarried in or before such month, equal to such employee's basic amount but subject to a reduction by three-tenths of 1 per centum for each calendar month she or he is under age sixty when the annuity begins. A widow or widower shall be under a dis-

ability within the meaning of this paragraph if her or his permanent physical or mental condition is such that she or he is unable to engage in any regular employment. The provisions of section 2(a) of this Act as to the proof of disability shall apply with regard to determinations with respect to disability under this paragraph. The annuity of a widow or widower under this paragraph shall cease upon the last day of the second month following the month in which she or he ceases to be under a disability unless such annuity is otherwise terminated on an earlier date. The period referred to in the first sentence of this paragraph is the period beginning with the latest of (i) the month of the employee's death, (ii) the last month for which she was entitled to an annuity under subsection (b) as the widow of such employee, or (iii) the month in which her or his previous entitlement to an annuity as the widow or widower of such employee terminated because her or his disability had ceased and ending with the month before the month in which she or he attains age sixty, or, if earlier with the close of the eighty-fourth month following the month with which such period began."

60 Stat. 727.
45 USC 228b.

80 Stat. 1076.
45 USC 228e.

68 Stat. 1098;
73 Stat. 27.

80 Stat. 1083.

(b) Section 5(h) of such Act is amended by striking out all that follows "be increased to \$18.14" and inserting in lieu thereof a period.

(c) Section 5(i)(1)(ii) of such Act is amended by inserting "deeming such an individual who is entitled to an annuity under subsection (a)(1) of this section to have attained age sixty-two unless such individual will have been entitled to an annuity under subsection (a)(2) of this section for the month before the month in which he attained age sixty", after "an activity within the United States".

(d) Section 5(j) of such Act is amended by striking out all after the colon and inserting in lieu thereof the following: "*Provided, however,* That the annuity of a child, qualified under subsection (1)(1)(ii)(C) of this section, shall cease upon the last day of the second month following the month in which he ceases to be unable to engage in any regular employment by reason of a permanent physical or mental condition unless in such second month he qualifies for an annuity under one of the other provisions of this Act and unless his annuity is otherwise terminated on an earlier date."

60 Stat. 733;
80 Stat. 1083,
1084.

(e) Section 5(l)(1) of such Act is amended by changing the period at the end of subdivision (i) thereof to a semicolon; by striking out "which began" from subdivision (ii)(C) and inserting in lieu thereof "which disability began"; and by striking out "216(h)(1) of the Social Security Act, as in effect prior to 1957, shall be applied" where such language first appears and inserting in lieu thereof "216(h) of the Social Security Act shall be applied deeming, for this purpose, individuals entitled to an annuity under section 2 (e) or (h) to be entitled to benefits under subsection (b) or (c) of section 202 of the Social Security Act and individuals entitled to an annuity under subsection (a) or (b) of this section to be entitled to a benefit under subsection (e), (f), or (g) of section 202 of the Social Security Act".

42 USC 416.

42 USC 402.

(f) Section 5(l)(9) of such Act is amended by inserting "or January 1, 1951, whichever is later" before "eliminating any excess over \$300"; by striking out "for any calendar year before 1955 is less than \$3,600" and inserting in lieu thereof "in the period before 1951 is less than \$50,400, or for any calendar year after 1950 and before 1955 is less than \$3,600"; by inserting "period or such" before "calendar year 'wages' as defined in paragraph (6) hereof"; by striking out "for such year and \$3,600 for years before 1955" and inserting in lieu thereof "for such period and \$50,400, and between the compensation for such year and \$3,600 for years after 1950 and before 1955"; by striking out "closing date: *Provided, That* for the period prior to and including" and inserting in lieu thereof "closing date or January 1, 1951, which-

ever is later: *Provided*, That for the period after 1950 but prior to and including"; by inserting "after 1950" after "That there shall be excluded from the divisor any calendar quarter"; and by inserting "any calendar quarter before 1951 in which a retirement annuity will have been payable to him and any calendar quarter before 1951 and before the year in which he will have attained the age of 20" before ". An employee's 'closing date' shall mean (A)".

(g) Subdivision (i) of section 5(1)(10) of such Act is amended by striking out beginning with "\$450; plus (C)" down to and including "multiplied by" and inserting in lieu thereof "(i) \$450, or (ii) an amount equal to one-twelfth of the current maximum annual taxable 'wages' as defined in section 3121 of the Internal Revenue Code of 1954, whichever is greater, plus (C) 1 per centum of the sum of (A) plus (B) multiplied by"; and by striking out "after 1936 in each of which the compensation, wages, or both, paid to him will have been equal to \$200 or more" and inserting in lieu thereof "after 1950 in each of which the compensation, wages, or both, paid to him will have been equal to \$200 or more plus, for the years after 1936 and before 1951, a number of years determined in accordance with regulations prescribed by the Board".

"Basic amount."
80 Stat. 1076.
45 USC 228e.

68A Stat. 417.
26 USC 3121.

(h) Section 5(m) of such Act is amended by striking out all that appears therein and inserting in lieu thereof the following:

Reduction of
annuities.
80 Stat. 1077.

"(m) The amount of an individual's annuity calculated under the other provisions of this section (except an annuity in the amount determined under the proviso in subsection (a) or (b)) shall (before any reduction on account of age) be increased in the amount of 82.5 per centum in the case of a widow, widower, or parent and 75 per centum in the case of a child of the increase shown in the table in section 3(a)(2) on the same line on which the range of monthly compensation includes an amount equal to the average monthly wage determined for the purposes of section 3(e) (except that for cases involving earnings before 1951 and for cases on the Board's rolls on the enactment date of the 1967 amendments to the Railroad Retirement Act, an amount equal to the highest average monthly wage that can be found on the same line of the table in section 215(a) of the Social Security Act as is the primary insurance amount recorded in the records of the Railroad Retirement Board shall be used, and if such an average monthly wage cannot be determined, the employee's monthly compensation on which his annuity was computed shall be used; and in the case of a pensioner, his monthly compensation shall be deemed to be the earnings which are used to compute his basic amount): *Provided, however*, That the increase shall (before any reduction on account of age) be reduced by 17.3 per centum of any benefit under title II of the Social Security Act to which the individual is entitled (disregarding for the purpose of this and the following proviso any increase in such benefit based on recomputations other than for the correction of errors after the first adjustment and any increases derived from legislation enacted after the Social Security Amendments of 1967): *And provided further*, That the amount computed under this subsection shall (before any reduction on account of age) not be less than \$5, or, in the case of an individual entitled to benefits under title II of the Social Security Act, such amount shall not be less than \$5 minus 5.8 per centum of the lesser of the social security benefit to which such individual is entitled or the benefit computed under the other provisions of this section."

81 Stat. 824.
42 USC 415.

42 USC 401.

81 Stat. 821.

SEC. 106. Section 10(a) of the Railroad Retirement Act of 1937 is amended by striking therefrom the last sentence and inserting in lieu thereof the following new sentence: "Upon the expiration of his term of office a member shall continue to serve until his successor is appointed and shall have qualified."

50 Stat. 314.
45 USC 228j.

50 Stat. 312.
45 USC 228f.
49 Stat. 967.
45 USC 215-228
notes.

SEC. 107. All pensions under section 6 of the Railroad Retirement Act of 1937, and all annuities under the Railroad Retirement Act of 1935, are increased as provided in that part of section 3(a)(2) of the Railroad Retirement Act of 1937 which precedes the provisos (deeming for this purpose (in the case of a pension) the monthly compensation to be the earnings which would be used to compute the basic amount if the pensioner were to die); joint and survivor annuities shall be computed under section 3(a) of the Railroad Retirement Act and reduced by the percentage determined in accordance with the election of such annuity; all survivor annuities deriving from joint and survivor annuities under the Railroad Retirement Act of 1937 in cases where the employee died before the month following the month in which the increases in annuities provided by section 104(a) of this Act are effective are increased by the same amount they would have been increased by this Act if the employee from whose joint and survivor annuity the survivor annuity is derived had been alive during all of the month in which the increases in annuities provided by section 104(a) of this Act are effective; and all widows' and widowers' insurance annuities which began to accrue before the month following the month in which the increases in annuities provided by section 104(a) of this Act are effective and which, in accordance with the proviso in section 5(a) or section 5(b) of the Railroad Retirement Act of 1937, are payable in the amount of the spouse's annuity to which the widow or widower was entitled are increased by the amount by which the spouse's annuity would have been increased by this Act had the individual from whom the annuity is derived been alive during all of the month in which the increases in annuities provided by section 104(a) of this Act are effective: *Provided, however*, That in cases where the individual entitled to such a pension or annuity (other than an individual who has made a joint and survivor election) is entitled to a benefit under title II of the Social Security Act, the additional amount payable by reason of this subsection shall be reduced by 11.5 per centum of such benefit (disregarding any increases in such benefit based on recomputations other than for the correction of errors after such reduction is first applied and any increases derived from legislation enacted after the Social Security Amendments of 1967): *And provided further*, That (i) such an annuity under the Railroad Retirement Act of 1935 or a pension shall be increased by not less than \$10, (ii) such a survivor annuity derived from a joint and survivor annuity shall be increased by not less than \$5, and (iii) such a widow's or widower's annuity in an amount formerly received as a spouse's annuity shall be increased by not less than \$5, but not to an amount above the maximum of the spouse's annuity payable in the month in which the increases in annuities provided by section 104(a) of this Act are effective.

65 Stat. 685.
45 USC 228e.

42 USC 401.

81 Stat. 821.

Effective date.

81 Stat. 821.

SEC. 108. (a) Except as otherwise provided, the amendments made by this title, other than section 102, subsections (f) and (g) of section 105, and section 106, shall be effective with respect to annuities accruing for months beginning with the month with respect to which the increase in benefits under title II of the Social Security Act provided for by the Social Security Amendments of 1967 is effective, and with respect to pensions due in calendar months next following the month with respect to which the increase in benefits under title II of the Social Security Act provided for by the Social Security Amendments of 1967 is effective. The amendments made by section 102 shall be effective with respect to annuities accruing for months in calendar years after 1967. The amendments made by section 105 (f) and (g) shall be effective with respect to benefits payable on deaths occurring on or after the date of enactment of this Act. The amendments made by section 106 shall be effective on the enactment date of this Act.

(b) In cases where an annuity is payable in the month before the month with respect to which increases in benefits under title II of the Social Security Act provided for by the Social Security Amendments of 1967 become effective in an amount determined under the Railroad Retirement Act, other than under the first proviso of section 3(e) of such Act, the provisions of this Act shall be presumed, in the absence of a claim to the contrary, to provide a higher amount of increase in the annuity than the provisions of the Social Security Amendments of 1967 would provide as an increase in the amount determined under the first proviso of section 3(e) of the Railroad Retirement Act.

81 Stat. 821.

45 USC 228c.

(c) All recertifications required by reason of the amendments made by this title shall be made by the Railroad Retirement Board without application therefor.

TITLE II—AMENDMENTS TO THE RAILROAD UNEMPLOYMENT INSURANCE ACT

SEC. 201. (a) (1) Section 1(k) of the Railroad Unemployment Insurance Act is amended by striking out “or which is included in a maternity period” and inserting in lieu thereof “, or, with respect to a female employee, a calendar day on which, because of pregnancy, miscarriage, or the birth of a child, (i) she is unable to work or (ii) working would be injurious to her health”.

54 Stat. 1094;
60 Stat. 736.
45 USC 351.

(2) The said section 1(k) is further amended by striking out from the first proviso “\$750” and inserting in lieu thereof “\$1,000”.

80 Stat. 1087.

(b) Section 1(l) of such Act is amended by redesignating subsections “(1)” and “(1) (1)” as “(1) (1)” and “(1) (2)”, respectively; by striking out from subsection (1) (2), as redesignated, “and the term ‘statement of maternity sickness’ means a statement with respect to a maternity period of a female employee, in each case”; and by striking out the present subsection (1) (2).

60 Stat. 736.

SEC. 202. (a) (1) The first paragraph of section 2(a) of the Railroad Unemployment Insurance Act is amended by striking out (i) “(other than a day of sickness in a maternity period)”; and (ii) “, and (iii) for each day of sickness in a maternity period”.

45 USC 352.

(2) The said section 2(a) is further amended by striking out the third paragraph thereof.

(3) The said section 2(a) is further amended by striking out the first line from the table thereof; by striking out “5.50”, “6.00”, “6.50”, “7.00”, “7.50”, “8.00”, “8.50”, “9.00”, “9.50” and “10.20” and inserting in lieu thereof “\$8.00”, “8.50”, “9.00”, “9.50”, “10.00”, “10.50”, “11.00”, “11.50”, “12.00” and “12.70”, respectively; and by striking from the proviso “\$10.20” and inserting in lieu thereof “\$12.70”.

(b) (1) Section 2(c) of such Act is amended by striking out “, other than days of sickness in a maternity period,” wherever it appears; by inserting “and” after “base year;” where it first appears, and by striking out “; and the total amount of benefits which may be paid to an employee for days of sickness in a maternity period shall in no case exceed the employee’s compensation in the base year on the basis of which the employee was determined to be qualified for benefits in such maternity period”.

(2) The said section 2(c) is further amended (i) by striking out “leave work without good cause or voluntarily retire” from the second proviso and inserting in lieu thereof the following: “retire and (in a case involving exhaustion of rights to benefits for days of unemployment) did not voluntarily leave work without good cause”; (ii) by inserting after the words “normal benefits for days of unemployment”, the first time they appear in the second proviso, the following: “or days

of sickness"; (iii) by inserting after "for, unemployment" in the second proviso the following: "or sickness (depending on the type of benefit rights exhausted)"; (iv) by inserting after "compensable days of unemployment" in the second proviso the following: "or days of sickness, as the case may be,"; (v) by inserting after "first day of unemployment" in the schedule in the second proviso the following: "or sickness, as the case may be,"; (vi) by inserting after the words "days of unemployment" in the schedule in the second proviso the following: "or days of sickness"; (vii) by striking out "leave work without good cause or voluntarily retire" from the second sentence and inserting in lieu thereof the following: "retire and (in a case involving unemployment) did not voluntarily leave work without good cause"; (viii) by inserting after "unemployment," in the second sentence, the following: "or fourteen or more consecutive days of sickness,"; (ix) by inserting after the words "such unemployment", wherever they appear in the last sentence, the following: "or sickness"; and (x) by adding the following two sentences at the end of such section: "Notwithstanding the other provisions of this subsection, an extended benefit period for sickness benefits shall terminate on the day next preceding the date on which the employee attains age 65, except that it may continue for the purpose of the payment of unemployment benefits; and, in the case of a succeeding benefit year beginning in accordance with the next preceding sentence by reason of sickness, such sentence shall not operate to permit the payment of benefits in the period provided for in such sentence for any day of sickness beginning with the day on which age 65 is attained and continuing through the day preceding the first day of the next succeeding general benefit year. For purposes of this subsection and section 10(h), the Board may rely on evidence of age available in its records and files at the time determinations of age are made."

77 Stat. 222.

45 USC 353.

45 USC 354.

SEC. 203. Section 3 of the Railroad Unemployment Insurance Act is amended by striking out "\$750" and inserting in lieu thereof "\$1,000".

SEC. 204. (a) Section 4(a-1) of the Railroad Unemployment Insurance Act is amended by inserting at the end thereof the following new paragraph:

"(iii) if he is paid a separation allowance, any of the days in the period beginning with the day following his separation from service and continuing for that number of consecutive fourteen-day periods which is equal, or most nearly equal, to the amount of the separation allowance divided (i) by ten times his last daily rate of compensation prior to his separation if he normally works five days a week, (ii) by twelve times such rate if he normally works six days a week, and (iii) by fourteen times such rate if he normally works seven days a week;"

(b) Section 4(a-2)(i) of such Act is amended by striking out from paragraph (A) thereof "\$750" and inserting in lieu thereof "\$1,000".

45 USC 360.

SEC. 205. Section 10 of the Railroad Unemployment Insurance Act is amended by inserting in subsection (a) thereof before "; (iii)" the following: "and pursuant to subsection (h) of this section", and by inserting at the end thereof the following new subsection:

"(h) At the close of the fiscal year ending June 30, 1968, and each fiscal year thereafter, the Board shall determine the amount, if any, which, if added to the railroad unemployment insurance account, would place such account in the same position it would have been in at the close of such fiscal year if every employee who had been paid benefits in the fiscal year for days of sickness in an extended benefit period under the first sentence of section 2(c), or in a 'succeeding benefit year' begun in accordance with the second sentence of section 2(c), and who upon application therefor would have been entitled to a disability annuity under section 2(a) of the Railroad Retire-

Transfer of
funds.

45 USC 228b.

ment Act of 1937 with respect to some or all of the days for which such benefits were paid, had been paid such annuity with respect to all days of sickness for which he was paid benefits which were also days with respect to which such annuity could have accrued. In determining such amount, the Board shall presume that every such employee was, in respect to his permanent physical or mental condition, qualified for such an annuity from the date of onset of the last spell of illness for which he was paid such benefits, if (a) he died without applying for such an annuity and before fully exhausting all rights to such benefits; or (b) he died without applying for such an annuity but within a year after the last day of sickness for which he had been paid such benefits, and had not meanwhile engaged in substantial gainful employment; or (c) he applied for such an annuity within one year after the last day of sickness for which he was paid such benefits and had not engaged in substantial gainful employment after that day and before the day on which he filed an application for such an annuity. The Board shall also have authority to make reasonable approximations deemed necessary in computing annuities for this purpose. The Board shall determine such amount no later than June 15 following the close of the fiscal year, and within ten days after such determination shall certify such amount to the Secretary of the Treasury for transfer from the Railroad Retirement Account to the railroad unemployment insurance account, and the Secretary of the Treasury shall make such transfer. The amount so certified shall include interest (at a rate determined, as of the close of the fiscal year, in accordance with subsection (d) of this section) payable from the close of such fiscal year to the date of certification."

SEC. 206. (a) Section 12(f) of the Railroad Unemployment Insurance Act is amended by striking out ", or maternity" wherever it appears; and by substituting "or"

45 USC 362.

(i) for the comma between "unemployment-compensation" and "sickness" in the first sentence,

(ii) for the comma between "unemployment" and "sickness" in the second sentence, and

(iii) for the comma between "unemployment-compensation" and "sickness" in the second sentence.

(b) The first paragraph of section 12(g) of such Act is amended by substituting "or" for the comma between "unemployment" and "sickness", and by striking out ", or maternity". The second paragraph of such section is amended by striking out ", or maternity" wherever it appears, and by substituting "or" for the comma wherever it appears between "unemployment" and "sickness".

(c) The third paragraph of section 12(i) of such Act is amended by striking out "and, in case of maternity sickness, the expected date of birth and the actual date of birth of the child".

(d) Section 12(n) of such Act is amended by striking out

(i) "or maternity" wherever it appears, and

(ii) "or as to the expected date of birth of a female employee's child, or the birth of such a child".

SEC. 207. Section 13 of the Railroad Unemployment Insurance Act is amended by striking out the following phrases: "and maternity"; "or for maternity"; "or maternity" wherever it appears; and "or to maternity".

45 USC 363.

EFFECTIVE DATES

SEC. 208. The amendments made by sections 201(a)(1), 201(b), 202(a)(1), 202(a)(2), 202(b)(1), 206 and 207 shall be effective as of July 1, 1968. The amendments made by sections 201(a)(2) and 203 shall be effective with respect to base years beginning in calendar years after December 31, 1966, except that with respect to the base year in

calendar year 1967 the amendments made by section 203 shall not be applicable to an employee whose compensation with respect to that base year was not less than \$750 but less than \$1,000; further, as to such an employee, the amendments made by section 202(a)(3) shall not be applicable with respect to days of unemployment and days of sickness in registration periods in the benefit year beginning July 1, 1968. The amendments made by section 202(a)(3) shall otherwise be effective with respect to days of unemployment and days of sickness in registration periods beginning on or after July 1, 1968. The amendments made by sections 202(b)(2)(i) through (vi) shall be effective to provide the beginning of extended benefit periods on or after July 1, 1968. The amendments made by section 202(b)(2)(vii) through (ix) shall be effective to provide for the early beginning of a benefit year on or after July 1, 1967. The amendment made by section 204(a) shall be effective with respect to calendar days in benefit years beginning after June 30, 1968, and the amendment made by section 204(b) shall be effective with respect to voluntary leaving of work (within the meaning of section 4(a-2)(i) of the Railroad Unemployment Insurance Act) after the enactment date of this Act.

Approved February 15, 1968.

Public Law 90-258

February 19, 1968
[H. R. 13094]

AN ACT

To amend the Commodity Exchange Act, as amended.

Commodity Ex-
change Act,
amendment.
49 Stat. 1491.
Definitions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(a) of the Commodity Exchange Act (42 Stat. 998), as amended (7 U.S.C. 2), is amended as follows:

(a) By adding a comma after the word "soybeans" in the third sentence of the section and deleting the phrase "and soybean meal" in such sentence and substituting therefor the phrase "soybean meal, livestock, and livestock products";

(b) By changing the eleventh sentence defining "floor broker" to read as follows: "The words 'floor broker' shall mean any person who, in or surrounding any 'pit', 'ring', 'post', or other place provided by a contract market for the meeting of persons similarly engaged, shall purchase or sell for any other person any commodity for future delivery on or subject to the rules of any contract market."; and

(c) By substituting a comma for the period at the end of the last sentence of the section and adding thereafter the following: "or an official or employee of each of the executive departments concerned, designated by the Secretary of Agriculture, the Secretary of Commerce, and the Attorney General, respectively; and the Secretary of Agriculture or his designee shall serve as Chairman."

Trading limits.

SEC. 2. Section 4a(1) of the Commodity Exchange Act, as amended (7 U.S.C. 6a(1)), is amended by deleting the second and third sentences thereof and substituting the following: "For the purpose of diminishing, eliminating, or preventing such burden, the commission shall, from time to time, after due notice and opportunity for hearing, by order, proclaim and fix such limits on the amounts of trading which may be done or positions which may be held by any person under contracts of sale of such commodity for future delivery on or subject to the rules of any contract market as the commission finds are necessary to diminish, eliminate, or prevent such burden. In determining whether any person has exceeded such limits, the positions held and trading done by any persons directly or indirectly controlled by such person

shall be included with the positions held and trading done by such person; and further, such limits upon positions and trading shall apply to positions held by, and trading done by, two or more persons acting pursuant to an expressed or implied agreement or understanding, the same as if the positions were held by, or the trading were done by, a single person. Nothing in this section shall be construed to prohibit the commission from fixing different trading or position limits for different commodities, markets, futures, or delivery months, or different trading limits for buying and selling operations, or different limits for the purposes of subparagraphs 2 (A) and (B) of this section, or from exempting transactions normally known to the trade as 'spreads' or 'straddles' or from fixing limits applying to such transactions or positions different from limits fixed for other transactions or positions."

SEC. 3. Section 4a(2)(B) of the Commodity Exchange Act, as amended (7 U.S.C. 6a(2)(B)), is amended to read as follows:

Net long or short position.

"(B) directly or indirectly to hold or control a net long or a net short position in any commodity for future delivery on or subject to the rules of any contract market in excess of any position limit fixed by the commission for or with respect to such commodity: *Provided*, That such position limit shall not apply to a position acquired in good faith prior to the effective date of such order."

SEC. 4. Section 4a(3) of the Commodity Exchange Act, as amended (7 U.S.C. 6a(3)), is amended by deleting the first two sentences thereof and substituting the following: "No order issued under paragraph (1) of this section shall apply to transactions or positions which are shown to be bona fide hedging transactions or positions. For the purposes of determining the bona fide hedging transactions or positions of any person under this paragraph (3), they shall mean sales of, or short positions in, any commodity for future delivery on or subject to the rules of any contract market made or held by such person to the extent that such sales or short positions are offset in quantity by the ownership or purchase of the same cash commodity by the same person or, conversely, purchases of, or long positions in, any commodity for future delivery on or subject to the rules of any contract market made or held by such person to the extent that such purchases or long positions are offset by sales of the same cash commodity by the same person."

Hedging transactions.
49 Stat. 1493.

SEC. 5. Section 4b of the Commodity Exchange Act, as amended (7 U.S.C. 6b), is amended as follows:

Fraud.

(a) By deleting the portion of said section which begins with the phrase "It shall be unlawful" and extends through the phrase "for or on behalf of any person" and by substituting for the deleted portion, the following: "It shall be unlawful (1) for any member of a contract market, or for any correspondent, agent, or employee of any member, in or in connection with any order to make, or the making of, any contract of sale of any commodity in interstate commerce, made, or to be made, on or subject to the rules of any contract market, for or on behalf of any other person, or (2) for any person, in or in connection with any order to make, or the making of, any contract of sale of any commodity for future delivery, made, or to be made, on or subject to the rules of any contract market, for or on behalf of any other person"; and

(b) By inserting the word "other" before the word "person" where the latter word appears in subparagraph (A), and the first time it appears in subparagraphs (B) and (C).

SEC. 6. Section 4d of the Commodity Exchange Act, as amended (7 U.S.C. 6d), is amended as follows:

Customers' funds, investment.

(a) By deleting the second proviso from the last sentence of the section and substituting therefor the following: "*Provided further*,

That such money may be invested in obligations of the United States, in general obligations of any State or of any political subdivision thereof, and in obligations fully guaranteed as to principal and interest by the United States, such investments to be made in accordance with such rules and regulations and subject to such conditions as the Secretary of Agriculture may prescribe.”; and

Depositories,
obligations.

(b) By adding at the end of the section the following new paragraph:

“It shall be unlawful for any person, including but not limited to any clearing agency of a contract market and any depository, that has received any money, securities, or property for deposit in a separate account as provided in paragraph (2) of this section, to hold, dispose of, or use any such money, securities, or property as belonging to the depositing futures commission merchant or any person other than the customers of such futures commission merchant.”

SEC. 7. Section 4f of the Commodity Exchange Act, as amended (7 U.S.C. 6f), is amended as follows:

(a) By deleting from the last sentence of paragraph (1) the words “section 4g of”; and

(b) By deleting paragraph (2) thereof and substituting the following:

Registrants,
eligibility.

“(2) Notwithstanding any other provisions of this Act, no person desiring to register as futures commission merchant shall be so registered unless he meets such minimum financial requirements as the Secretary of Agriculture may by regulation prescribe as necessary to insure his meeting his obligations as a registrant, and each person so registered shall at all times continue to meet such prescribed minimum financial requirements: *Provided*, That such minimum financial requirements will be considered met if the applicant for registration or registrant is a member of a contract market and conforms to minimum financial standards and related reporting requirements set by such contract market in its bylaws, rules, regulations, or resolutions and approved by the Secretary of Agriculture as adequate to effectuate the purposes of this paragraph (2).”

49 Stat. 1496.
Reports.

SEC. 8. Section 4g of the Commodity Exchange Act, as amended (7 U.S.C. 6g), is amended to read as follows:

“SEC. 4g. Every person registered hereunder as futures commission merchant or floor broker shall make such reports as are required by the Secretary of Agriculture regarding the transactions and positions of such person, and the transactions and positions of the customer thereof, in commodities for future delivery on any board of trade in the United States or elsewhere; shall keep books and records pertaining to such transactions and positions in such form and manner and for such period as may be required by the Secretary; and shall keep such books and records open to inspection by any representative of the United States Department of Agriculture or the United States Department of Justice.”

Recordkeep-
ing.

SEC. 9. Section 4i of the Commodity Exchange Act, as amended (7 U.S.C. 6i), is amended by deleting the last sentence and adding the following at the end of the section. “Such person shall keep books and records of all futures transactions and positions coming within the provisions of (1) and (2) hereof, and shall keep books and records of such cash or spot transactions in such commodity entered into, and inventories and purchase and sale commitments of such commodity held, in any month in which such person is required to make any report under the provisions of (1) or (2), as the Secretary of Agriculture may require. Such books and records shall show complete details concerning all such transactions, positions, inventories, and commitments, including the names and addresses of all persons having any interest therein, and shall be open at all times to inspection by any representative of the

United States Department of Agriculture or the United States Department of Justice. For the purposes of this section, the futures and cash or spot transactions and positions of any person shall include such transactions and positions of any persons directly or indirectly controlled by such person."

SEC. 10. Section 5(b) of the Commodity Exchange Act, as amended (7 U.S.C. 7(b)), is amended as follows:

(a) By deleting, from the first sentence, the phrase "in cash transactions consummated at, on, or in a board of trade, or transactions for future delivery" and substituting the following: "in cash transactions or transactions for future delivery consummated on or subject to the rules of a board of trade"; and

(b) By deleting, from the first sentence, the phrase "consummated at, on, or in a board of trade" the second time it appears in said sentence and substituting the following: "consummated on or subject to the rules of a board of trade".

SEC. 11. Section 5(f) of the Commodity Exchange Act, as amended (7 U.S.C. 7(f)), is amended to read as follows:

Compliance
condition.
42 Stat. 1000.

"(f) When the governing board provides for making effective the final orders or decisions entered pursuant to the provisions of paragraph (b) of section 6, and the orders issued pursuant to the provisions of section 5a of this Act, and for compliance in all other respects with the requirements applicable to such board of trade under this Act."

SEC. 12. Section 5a of the Commodity Exchange Act, as amended (7 U.S.C. 7a), is amended as follows:

49 Stat. 1497.
Recordkeeping.

(a) By deleting paragraph (2) thereof and substituting therefor the following:

"(2) keep all books, records, minutes, and journals of proceedings of such contract market, and its governing board, committees, subsidiaries, and affiliates in a manner that will clearly describe all matters discussed by such contract market, governing board, committees, subsidiaries and affiliates and reveal any action taken in such matters, and allow inspection at all times by any authorized representative of the United States Department of Agriculture or United States Department of Justice of all such books, records, minutes, and journals of proceedings. Such books, records, minutes, and journals of proceedings shall be kept for a period of three years from the date thereof, or for a longer period if the Secretary of Agriculture shall so direct;"

(b) By deleting the word "and" at the end of paragraph (6) and substituting a semicolon for the period at the end of paragraph (7); and

(c) By adding after paragraph (7) the following paragraphs:

"(8) enforce all bylaws, rules, regulations, and resolutions, made or issued by it or by the governing board thereof or any committee, which relate to terms and conditions in contracts of sale to be executed on or subject to the rules of such contract market or relate to other trading requirements, and which have not been disapproved by the Secretary of Agriculture pursuant to paragraph (7) of section 8a of this Act; and revoke and not enforce any such bylaw, rule, regulation, or resolution, made, issued, or proposed by it or by the governing board thereof or any committee, which has been so disapproved; and

Bylaws, etc.,
enforcement.

"(9) enforce all bylaws, rules, regulations, and resolutions made or issued by it or by the governing board thereof or by any committee, which provide minimum financial standards and related reporting requirements for futures commission merchants who are members of such contract market, and which have been approved by the Secretary of Agriculture."

Enforcement of
orders.

SEC. 13. Section 5b of the Commodity Exchange Act, as amended (7 U.S.C. 7b), is amended as follows:

(a) By deleting the phrase "rules and regulations" and substituting the phrase "rules, regulations, or orders"; and

(b) By adding immediately after the phrase "Secretary of Agriculture" the phrase "or the commission".

Contract market
designation.
Hearing and
right of appeal.
42 Stat. 1001;
72 Stat. 944.

SEC. 14. Section 6 of the Commodity Exchange Act, as amended (7 U.S.C. 8, 9), is amended by adding at the end of the first paragraph thereof (7 U.S.C. 8) the following sentence: "In the event of a refusal to designate as a 'contract market' any board of trade that has made application therefor, such board of trade shall be afforded an opportunity for a hearing before the commission, with the right to appeal an adverse decision after such hearing to the court of appeals as provided for in other cases in paragraph (a) of this section."

SEC. 15. Section 6(a) of the Commodity Exchange Act, as amended (7 U.S.C. 8), is amended to read as follows:

Suspension con-
ditions.

"(a) The commission is authorized to suspend for a period not to exceed six months or to revoke the designation of any board of trade as a 'contract market' upon a showing that such board of trade is not enforcing or has not enforced its rules of government made a condition of its designation as set forth in section 5 of this Act or that such board of trade, or any director, officer, agent, or employee thereof, otherwise is violating or has violated any of the provisions of this Act or any of the rules, regulations, or orders of the Secretary of Agriculture or the commission thereunder. Such suspension or revocation shall only be after a notice to the officers of the board of trade affected and upon a hearing: *Provided*, That such suspension or revocation shall be final and conclusive, unless within fifteen days after such suspension or revocation by the commission such board of trade appeals to the court of appeals for the circuit in which it has its principal place of business, by filing with the clerk of such court a written petition praying that the order of the commission be set aside or modified in the manner stated in the petition, together with a bond in such sum as the court may determine, conditioned that such board of trade will pay the costs of the proceedings if the court so directs. The clerk of the court in which such a petition is filed shall immediately cause a copy thereof to be delivered to the Secretary of Agriculture, who shall thereupon notify the other members of the commission and file in the court the record in such proceedings, as provided in section 2112 of title 28, United States Code. The testimony and evidence taken or submitted before the commission, duly filed as aforesaid as a part of the record, shall be considered by the court of appeals as the evidence in the case. The proceedings in such cases in the court of appeals shall be made a preferred cause and shall be expedited in every way. Such a court may affirm or set aside the order of the commission or may direct it to modify its order. No such order of the commission shall be modified or set aside by the court of appeals unless it is shown by the board of trade that the order is unsupported by the weight of the evidence or was issued without due notice and a reasonable opportunity having been afforded to such board of trade for a hearing, or infringes the Constitution of the United States, or is beyond the jurisdiction of the commission."

Filing of
petition.

72 Stat. 941.

Trading privi-
leges, denial.
49 Stat. 1498.

SEC. 16. Section 6(b) of the Commodity Exchange Act, as amended (7 U.S.C. 9, 15), is amended by changing the first and fourth sentences thereof to read, respectively: "If the Secretary of Agriculture has reason to believe that any person (other than a contract market) is manipulating or attempting to manipulate or has manipulated or attempted to manipulate the market price of any commodity, in inter-

state commerce, or for future delivery on or subject to the rules of any contract market, or has willfully made any false or misleading statement of a material fact in any registration application or any report filed with the Secretary of Agriculture under this Act, or willfully omitted to state in any such application or report any material fact which is required to be stated therein, or otherwise is violating or has violated any of the provisions of this Act or of the rules, regulations, or orders of the Secretary of Agriculture or the commission thereunder, he may serve upon such person a complaint stating his charges in that respect, which complaint shall have attached or shall contain therein a notice of hearing, specifying a day and place not less than three days after the service thereof, requiring such person to show cause why an order should not be made prohibiting him from trading on or subject to the rules of any contract market, and directing that all contract markets refuse all trading privileges to such person, until further notice of the Secretary of Agriculture, and to show cause why the registration of such person, if registered as futures commission merchant or as floor broker hereunder, should not be suspended or revoked." and "Upon evidence received, the Secretary of Agriculture may prohibit such person from trading on or subject to the rules of any contract market and require all contract markets to refuse such person all trading privileges thereon for such period as may be specified in the order, and, if such person is registered as futures commission merchant or as floor broker hereunder, may suspend, for a period not to exceed six months, or revoke, the registration of such person."

SEC. 17. Section 6 of the Commodity Exchange Act, as amended (7 U.S.C. 8, 9), is further amended by adding at the end thereof the following new paragraph:

Cease and desist orders, violation.
42 Stat. 1001.

"(c) If any person (other than a contract market) is manipulating or attempting to manipulate or has manipulated or attempted to manipulate the market price of any commodity, in interstate commerce, or for future delivery on or subject to the rules of any contract market, or otherwise is violating or has violated any of the provisions of this Act or of the rules, regulations, or orders of the Secretary of Agriculture or the commission thereunder, the Secretary may, upon notice and hearing, and subject to appeal as in other cases provided for in paragraph (b) of this section, make and enter an order directing that such person shall cease and desist therefrom and, if such person thereafter and after the lapse of the period allowed for appeal of such order or after the affirmance of such order, shall fail or refuse to obey or comply with such order, such person shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500 nor more than \$10,000, or imprisoned for not less than six months nor more than one year, or both, except that if such failure or refusal to obey or comply with such order involves any offense within paragraph (a) or (b) of section 9 of this Act, such person shall be guilty of a felony and, upon conviction thereof, shall be subject to the penalties of said paragraph 9(a) or 9(b): *Provided*, That any such cease and desist order against any respondent in any case of manipulation of, or attempt to manipulate, the price of any commodity shall be issued only in conjunction with an order issued against such respondent under section 6(b) of this Act. Each day during which such failure or refusal to obey or comply with such order continues shall be deemed a separate offense."

SEC. 18. Section 6b of the Commodity Exchange Act, as amended (7 U.S.C. 13a), is amended to read as follows:

Cease and desist orders, violation.
49 Stat. 1500.

"SEC. 6b. If any contract market is not enforcing or has not enforced its rules of government made a condition of its designation as set forth in section 5 of this Act, or if any contract market, or any director, officer, agent, or employee of any contract market otherwise is violating or has violated any of the provisions of this Act or any of the rules,

regulations, or orders of the Secretary of Agriculture or the commission thereunder, the commission may, upon notice and hearing and subject to appeal as in other cases provided for in paragraph (a) of section 6 of this Act, make and enter an order directing that such contract market, director, officer, agent, or employee shall cease and desist from such violation, and if such contract market, director, officer, agent, or employee thereafter and after the lapse of the period allowed for appeal of such order or after the affirmance of such order, shall fail or refuse to obey or comply with such order, such contract market, director, officer, agent, or employee shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500 nor more than \$10,000 or imprisoned for not less than six months nor more than one year, or both. Each day during which such failure or refusal to obey such order continues shall be deemed a separate offense."

Investigations;
disclosure.
42 Stat. 1003.

SEC. 19. Section 8 of the Commodity Exchange Act, as amended (7 U.S.C. 12), is amended as follows:

(a) By adding, in the first sentence, after the phrase "make such investigations as he may deem necessary to ascertain the facts regarding the operations of boards of trade", the following phrase: "and other persons subject to any of the provisions of this Act"; and

(b) By changing the period at the end of the last paragraph of the section to a semicolon and adding at the end of said paragraph the following phrase: "and when requested by any department or agency of the executive branch of the Government of the United States, acting within the scope of its jurisdiction, may, in his discretion, furnish to such department or agency any information in the possession of the Department of Agriculture obtained in connection with the administration of this Act: *Provided, however,* That information so furnished to any such department or agency shall not be disclosed by such department or agency except in any action or proceeding under the laws of the United States to which it, or the Secretary of Agriculture, or the United States is a party."

Registration
refusal.
49 Stat. 1500.

SEC. 20. Section 8a (2) of the Commodity Exchange Act, as amended (7 U.S.C. 12a(2)), is amended to read as follows:

"(2) to refuse to register any person—

"(A) if the prior registration of such person has been suspended (and the period of such suspension shall not have expired) or has been revoked;

"(B) if it is found, after opportunity for hearing, that the applicant is unfit to engage in the business for which the application for registration is made, (i) because such applicant, or, if the applicant is a partnership, any general partner, or, if the applicant is a corporation, any officer or holder of more than 10 per centum of the stock, at any time engaged in any practice of the character prohibited by this Act or was convicted of a felony in any State or Federal court, or was debarred by any agency of the United States from contracting with the United States, or the applicant willfully made any material false or misleading statement in his application or willfully omitted to state any material fact in connection with the application, or (ii) for other good cause shown; or

"(C) in the case of an applicant for registration as futures commission merchant, if it is found after opportunity for hearing that the applicant has not established that he meets the minimum financial requirements under section 4f of this Act: *Provided,* That pending final determination under clause (B) or (C), registration shall not be granted: *And provided further,* That the applicant may appeal from a refusal of registration under clause (B) or (C) in the manner provided in paragraph (b) of section 6 of this Act; and".

SEC. 21. Section 8a(3) of the Commodity Exchange Act, as amended (7 U.S.C. 12a(3)), is amended by inserting the following at the beginning thereof after "(3)": "in accordance with the procedure provided for in paragraph (b) of section 6 of this Act, to suspend or revoke the registration of any person registered under this Act if cause exists under subparagraph (2) (B) or (C) which would warrant a refusal of registration of such person, and".

Registration
suspension.

SEC. 22. Section 8a(4) of the Commodity Exchange Act, as amended (7 U.S.C. 12a(4)), is amended by deleting the phrase "and for copies of registration certificates" appearing therein.

Fees and
charges.
69 Stat. 535.

SEC. 23. Section 8a of the Commodity Exchange Act, as amended (7 U.S.C. 12a), is further amended as follows:

49 Stat. 1501.

(a) By deleting the word "and" at the end of paragraph (5) and substituting a semicolon for the period at the end of paragraph (6) and adding thereafter the word "and"; and

(b) By adding after paragraph (6) the following new paragraph:

By-laws, disap-
proval.

"(7) to disapprove any bylaw, rule, regulation, or resolution made, issued or proposed by a contract market or by the governing board thereof or any committee which relates to terms and conditions in contracts of sale to be executed on or subject to the rules of such contract market or relates to other trading requirements, when he finds that such bylaw, rule, regulation, or resolution violates or will violate any of the provisions of this Act, or any of the rules, regulations, or orders of the Secretary of Agriculture or the commission thereunder."

SEC. 24. The Commodity Exchange Act, as amended, is amended by adding after section 8a thereof (7 U.S.C. 12a) the following new section:

Trading ban
violation.

"SEC. 8b. It shall be unlawful for any person, against whom there is outstanding any order of the Secretary of Agriculture prohibiting him from trading on or subject to the rules of any contract market, to make or cause to be made in contravention of such order, any contract for future delivery of any commodity, on or subject to the rules of any contract market."

SEC. 25. Section 9 of the Commodity Exchange Act, as amended (7 U.S.C. 13), is amended to read as follows:

Penalties.
42 Stat. 1003;
49 Stat. 1501.

"SEC. 9. (a) It shall be a felony punishable by a fine of not more than \$10,000 or imprisonment for not more than five years, or both, together with the costs of prosecution, for any futures commission merchant, or any employee or agent thereof, to embezzle, steal, purloin, or with criminal intent convert to his own use or the use of another, any money, securities, or property having a value in excess of \$100, which was received by such commission merchant to margin, guarantee, or secure the trades or contracts of any customer of such commission merchant or accruing to such customer as the result of such trades or contracts. The word 'value' as used in this paragraph means face, par, or market value, or cost price, either wholesale or retail, whichever is greater.

"Value."

"(b) It shall be a felony punishable by a fine of not more than \$10,000 or imprisonment for not more than five years, or both, together with the costs of prosecution, for any person to manipulate or attempt to manipulate the price of any commodity in interstate commerce, or for future delivery on or subject to the rules of any contract market, or to corner or attempt to corner any such commodity, or knowingly to deliver or cause to be delivered for transmission through the mails or in interstate commerce by telegraph, telephone, wireless, or other means of communication false or misleading or knowingly inaccurate reports concerning crop or market information or conditions that affect or tend to affect the price of any commodity in interstate commerce.

“(c) Except as provided in paragraphs (a) and (b) of this section, it shall be a misdemeanor punishable by a fine of not more than \$10,000 or imprisonment for not more than one year, or both, together with the costs of prosecution, for any person to violate the provisions of section 4, section 4a, section 4b, section 4c, section 4d, section 4e, section 4h, section 4i, or section 8b, or to fail to evidence any contract mentioned in section 4 of this Act by a record in writing as therein required.”

42 Stat. 998.
7 USC 1.

Responsibility
as principal.

SEC. 26. The Commodity Exchange Act, as amended, is further amended by adding thereto a new section 13 to read as follows:

“SEC. 13. (a) Any person who commits, or who willfully aids, abets, counsels, commands, induces, or procures the commission of, a violation of any of the provisions of this Act, or any of the rules, regulations, or orders issued pursuant to this Act, or who acts in combination or concert with any other person in any such violation, or who willfully causes an act to be done or omitted which if directly performed or omitted by him or another would be a violation of the provisions of this Act or any of such rules, regulations, or orders may be held responsible in administrative proceedings under this Act for such violation as a principal.

Minor viola-
tions.

“(b) Nothing in this Act shall be construed as requiring the Secretary of Agriculture or the commission to report minor violations of this Act for prosecution, whenever it appears that the public interest does not require such action.”

Savings clause.

SEC. 27. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby, and the provisions of the section of the Commodity Exchange Act, as amended, which is amended by such provision of this Act shall apply to such person or circumstances. Pending proceedings shall not be abated by reason of any provision of this Act but shall be disposed of pursuant to the provisions of the Commodity Exchange Act, as amended, in effect prior to the effective date of this Act.

Effective date.

SEC. 28. This Act shall become effective one hundred and twenty days after enactment.

Approved February 19, 1968.

Public Law 90-259

AN ACT

March 1, 1968
[S. 1124]

To amend the Organic Act of the National Bureau of Standards to authorize a fire research and safety program, and for other purposes.

Fire Research
and Safety Act
of 1968.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Fire Research and Safety Act of 1968”.

TITLE I—FIRE RESEARCH AND SAFETY PROGRAM

DECLARATION OF POLICY

SEC. 101. The Congress finds that a comprehensive fire research and safety program is needed in this country to provide more effective measures of protection against the hazards of death, injury, and damage to property. The Congress finds that it is desirable and necessary for the Federal Government, in carrying out the provisions of this title, to cooperate with and assist public and private agencies. The Congress declares that the purpose of this title is to amend the

Act of March 3, 1901, as amended, to provide a national fire research and safety program including the gathering of comprehensive fire data; a comprehensive fire research program; fire safety education and training programs; and demonstrations of new approaches and improvements in fire prevention and control, and reduction of death, personal injury, and property damage. Additionally, it is the sense of Congress that the Secretary should establish a fire research and safety center for administering this title and carrying out its purposes, including appropriate fire safety liaison and coordination.

AUTHORIZATION OF PROGRAM

SEC. 102. The Act entitled "An Act to establish the National Bureau of Standards", approved March 3, 1901, as amended (15 U.S.C. 271-278e), is further amended by adding the following sections:

31 Stat. 1449.

"SEC. 16. The Secretary of Commerce (hereinafter referred to as the 'Secretary') is authorized to—

"(a) Conduct directly or through contracts or grants—

"(1) investigations of fires to determine their causes, frequency of occurrence, severity, and other pertinent factors;

"(2) research into the causes and nature of fires, and the development of improved methods and techniques for fire prevention, fire control, and reduction of death, personal injury, and property damage;

"(3) educational programs to—

"(A) inform the public of fire hazards and fire safety techniques, and

"(B) encourage avoidance of such hazards and use of such techniques;

"(4) fire information reference services, including the collection, analysis, and dissemination of data, research results, and other information, derived from this program or from other sources and related to fire protection, fire control, and reduction of death, personal injury, and property damage;

"(5) educational and training programs to improve, among other things—

"(A) the efficiency, operation, and organization of fire services, and

"(B) the capability of controlling unusual fire-related hazards and fire disasters; and

"(6) projects demonstrating—

"(A) improved or experimental programs of fire prevention, fire control, and reduction of death, personal injury, and property damage,

"(B) application of fire safety principles in construction, or

"(C) improvement of the efficiency, operation, or organization of the fire services.

"(b) Support by contracts or grants the development, for use by educational and other nonprofit institutions, of—

"(1) fire safety and fire protection engineering or science curriculums; and

"(2) fire safety courses, seminars, or other instructional materials and aids for the above curriculums or other appropriate curriculums or courses of instruction.

"SEC. 17. With respect to the functions authorized by section 16 of this Act—

"(a) Grants may be made only to States and local governments, other non-Federal public agencies, and nonprofit institutions. Such a grant may be up to 100 per centum of the total cost of the project

Eligibility for grants.

for which such grant is made. The Secretary shall require, whenever feasible, as a condition of approval of a grant, that the recipient contribute money, facilities, or services to carry out the purpose for which the grant is sought. For the purposes of this section, 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Canal Zone, American Samoa, and the Trust Territory of the Pacific Islands; and 'public agencies' includes combinations or groups of States or local governments.

"State."

"Public agencies."

Federal agencies, reimbursement.

"(b) The Secretary may arrange with and reimburse the heads of other Federal departments and agencies for the performance of any such functions, and, as necessary or appropriate, delegate any of his powers under this section or section 16 of this Act with respect to any part thereof, and authorize the redelegation of such powers.

"(c) The Secretary may perform such functions without regard to section 3648 of the Revised Statutes (31 U.S.C. 529).

Cooperation.

"(d) The Secretary is authorized to request any Federal department or agency to supply such statistics, data, program reports, and other materials as he deems necessary to carry out such functions. Each such department or agency is authorized to cooperate with the Secretary and, to the extent permitted by law, to furnish such materials to the Secretary. The Secretary and the heads of other departments and agencies engaged in administering programs related to fire safety shall, to the maximum extent practicable, cooperate and consult in order to insure fully coordinated efforts.

Rules and regulations.

"(e) The Secretary is authorized to establish such policies, standards, criteria, and procedures and to prescribe such rules and regulations as he may deem necessary or appropriate to the administration of such functions or this section, including rules and regulations which—

Reports.

"(1) provide that a grantee will from time to time, but not less often than annually, submit a report evaluating accomplishments of activities funded under section 16, and

"(2) provide for fiscal control, sound accounting procedures, and periodic reports to the Secretary regarding the application of funds paid under section 16."

NONINTERFERENCE WITH EXISTING FEDERAL PROGRAMS

SEC. 103. Nothing contained in this title shall be deemed to repeal, supersede, or diminish existing authority or responsibility of any agency or instrumentality of the Federal Government.

AUTHORIZATION OF APPROPRIATIONS

SEC. 104. There are authorized to be appropriated, for the purposes of this Act, \$5,000,000 for the period ending June 30, 1970.

TITLE II—NATIONAL COMMISSION ON FIRE PREVENTION AND CONTROL

FINDINGS AND PURPOSE

SEC. 201. The Congress finds and declares that the growing problem of the loss of life and property from fire is a matter of grave national concern; that this problem is particularly acute in the Nation's urban and suburban areas where an increasing proportion of the population resides but it is also of national concern in smaller communities and rural areas; that as population concentrates, the means for controlling and preventing destructive fires has become progressively more com-

plex and frequently beyond purely local capabilities; and that there is a clear and present need to explore and develop more effective fire control and fire prevention measures throughout the country in the light of existing and foreseeable conditions. It is the purpose of this title to establish a commission to undertake a thorough study and investigation of this problem with a view to the formulation of recommendations whereby the Nation can reduce the destruction of life and property caused by fire in its cities, suburbs, communities, and elsewhere.

ESTABLISHMENT OF COMMISSION

SEC. 202. (a) There is hereby established the National Commission on Fire Prevention and Control (hereinafter referred to as the "Commission") which shall be composed of twenty members as follows: the Secretary of Commerce, the Secretary of Housing and Urban Development, and eighteen members appointed by the President. The individuals so appointed as members (1) shall be eminently well qualified by training or experience to carry out the functions of the Commission, and (2) shall be selected so as to provide representation of the views of individuals and organizations of all areas of the United States concerned with fire research, safety, control, or prevention, including representatives drawn from Federal, State, and local governments, industry, labor, universities, laboratories, trade associations, and other interested institutions or organizations. Not more than six members of the Commission shall be appointed from the Federal Government. The President shall designate the Chairman and Vice Chairman of the Commission.

(b) The Commission shall have four advisory members composed of—

(1) two Members of the House of Representatives who shall not be members of the same political party and who shall be appointed by the Speaker of the House of Representatives, and

(2) two Members of the Senate who shall not be members of the same political party and who shall be appointed by the President of the Senate.

The advisory members of the Commission shall not participate, except in an advisory capacity, in the formulation of the findings and recommendations of the Commission.

(c) Any vacancy in the Commission or in its advisory membership shall not affect the powers of the Commission, but shall be filled in the same manner as the original appointment.

Vacancies.

DUTIES OF THE COMMISSION

SEC. 203. (a) The Commission shall undertake a comprehensive study and investigation to determine practicable and effective measures for reducing the destructive effects of fire throughout the country in addition to the steps taken under sections 16 and 17 of the Act of March 3, 1901 (as added by title I of this Act). Such study and investigation shall include, without being limited to—

(1) a consideration of ways in which fires can be more effectively prevented through technological advances, construction techniques, and improved inspection procedures;

(2) an analysis of existing programs administered or supported by the departments and agencies of the Federal Government and of ways in which such programs could be strengthened so as to lessen the danger of destructive fires in Government-assisted housing and in the redevelopment of the Nation's cities and communities;

(3) an evaluation of existing fire suppression methods and of ways for improving the same, including procedures for recruiting and soliciting the necessary personnel;

(4) an evaluation of present and future needs (including long-term needs) of training and education for fire-service personnel;

(5) a consideration of the adequacy of current fire communication techniques and suggestions for the standardization and improvement of the apparatus and equipment used in controlling fires;

(6) an analysis of the administrative problems affecting the efficiency or capabilities of local fire departments or organizations; and

(7) an assessment of local, State, and Federal responsibilities in the development of practicable and effective solutions for reducing fire losses.

(b) In carrying out its duties under this section the Commission shall consider the results of the functions carried out by the Secretary of Commerce under sections 16 and 17 of the Act of March 3, 1901 (as added by title I of this Act), and consult regularly with the Secretary in order to coordinate the work of the Commission and the functions carried out under such sections 16 and 17.

(c) The Commission shall submit to the President and to the Congress a report with respect to its findings and recommendations not later than two years after the Commission has been duly organized.

Report to President and Congress.

POWERS AND ADMINISTRATIVE PROVISIONS

SEC. 204. (a) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title, hold hearings, take testimony, and administer oaths or affirmations to witnesses appearing before the Commission or any subcommittee or member thereof.

(b) Each department, agency, and instrumentality of the executive branch of the Government, including an independent agency, is authorized to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this title.

(c) Subject to such rules and regulations as may be adopted by the Commission, the Chairman, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, shall have the power—

(1) to appoint and fix the compensation of such staff personnel as he deems necessary, and

(2) to procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code.

COMPENSATION OF MEMBERS

SEC. 205. (a) Any member of the Commission, including a member appointed under section 202(b), who is a Member of Congress or in the executive branch of the Government shall serve without compensation in addition to that received in his regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by him in connection with the performance of duties vested in the Commission.

(b) Members of the Commission, other than those referred to in subsection (a), shall receive compensation at the rate of \$100 per day

80 Stat. 443,
467.
5 USC 5101,
5331.

for each day they are engaged in the performance of their duties as members of the Commission and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

EXPENSES OF THE COMMISSION

SEC. 206. There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out this title.

EXPIRATION OF THE COMMISSION

SEC. 207. The Commission shall cease to exist thirty days after the submission of its report under section 203 (c).

Approved March 1, 1968.

Public Law 90-260

AN ACT

To provide for credit to the Kings River Water Association and others for excess payments for the years 1954 and 1955.

March 2, 1968
[S. 2402]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall credit outstanding obligations of all members of the Kings River Water Association incurred pursuant to the master agreement among the members and the association and the United States dated December 30, 1963, and the Alta Irrigation District, Consolidated Irrigation District, Fresno Irrigation District, Kings River Water District and Tulare Lake Canal Company pursuant to agreements dated December 23, 1963, in a total amount of \$1,098,597.92 representing excess payments over their share of the operation and maintenance charges of Pine Flat Reservoir, Kings River, California, during the years 1954 and 1955. Such amount shall be credited to the total repayment obligation and not to the annual installments thereof.

Kings River
Water Associa-
tion.

Approved March 2, 1968.

Public Law 90-261

AN ACT

To amend section 2 of the Migratory Bird Conservation Act.

March 2, 1968
[S. 2447]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Migratory Bird Conservation Act is amended by striking out "the Secretary of Commerce" and inserting in lieu thereof "the Secretary of Transportation".

Migratory Bird
Conservation Act,
amendment.
45 Stat. 1222.
16 USC 715a.

Approved March 2, 1968.

Public Law 90-262

March 4, 1968
[S. 269]

AN ACT

To authorize an exchange of lands at Acadia National Park, Maine.

Acadia National
Park, Maine.
Land exchange.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior may, in his discretion, accept title to certain land in the town of Bar Harbor, Hancock County, Maine, held by the Jackson Laboratory, a nonprofit corporation organized and existing under the laws of the State of Maine, said land being more particularly described as follows:

Beginning at a stone bound set in the ground in the southerly side of State Highway Numbered 3 leading from Bar Harbor to Seal Harbor, said stone bound also marking the northeasterly corner of land of the United States of America and the northwesterly corner of land of the Jackson Laboratory;

thence north 72 degrees 58 minutes east and following the southerly side of State Highway Numbered 3, 80 feet to a stone bound set in the ground;

thence south 32 degrees 13 minutes east 762.5 feet to an iron pin set in the ledge;

thence north 88 degrees 16 minutes east 270.54 feet to a stone bound set in the ground in the southerly side of the old Morrell Park Racetrack;

thence north 61 degrees 56 minutes east 673.2 feet to an iron pipe driven in the ground, said iron pipe also being in a northwesterly line of land of the United States of America;

thence south 24 degrees 30 minutes west and always following a northwesterly line of land of the United States of America, 149 feet to an iron pipe driven in the ground;

thence south 64 degrees 05 minutes west and always following a northwesterly line of land of the United States of America, 577 feet to a stone bound set in the ground;

thence south 78 degrees 50 minutes west and always following a northerly line of land of the United States of America, 115 feet to an iron pin in a large boulder;

thence north 84 degrees 00 minutes west and always following a northerly line of land of the United States of America, 357 feet to an iron pin in the ledge;

thence north 22 degrees 40 minutes west and always following a northeasterly line of land of the United States of America, 460 feet to an iron pin in the ledge;

thence north 14 degrees 05 minutes west and always following an easterly line of land of the United States of America, 281.7 feet to the point of beginning, and containing 4.828 acres.

Said land, upon acceptance of title thereto, shall become a part of the Acadia National Park.

SEC. 2. In exchange for the conveyance to the United States of the land described in section 1 of this Act, the Secretary of the Interior may convey to the Jackson Laboratory all right, title, and interest of the United States in and to the following described land in the town of Bar Harbor, Hancock County, Maine, more particularly described as follows:

Beginning at a stone bound set in the ground in the southeasterly side line of State Highway Numbered 3 leading from Bar Harbor to Seal Harbor, said stone bound marking the northeasterly corner of lot formerly belonging to the trustees of Louise D. Morrell, now owned by the Jackson Laboratory; said stone bound also marking the northwesterly corner of land belonging to the United States of America;

thence in a northeasterly direction but always following the southeasterly side line of State Highway Numbered 3, 31.0 feet to a point which marks the northwesterly corner of land belonging to the Jackson Laboratory;

thence south 23 degrees 40 minutes east and always following a southwesterly line of land belonging to the Jackson Laboratory, 603 feet, more or less, to a point in the old road originally leading to the Bear Brook Campground;

thence south 71 degrees 04 minutes east 20 feet, more or less, to a stone bound set in the ground in a southwesterly line of land belonging to the Jackson Laboratory;

thence following the same course; namely, south 71 degrees 04 minutes east and always following a southwesterly line of land belonging to the Jackson Laboratory, 183.2 feet to a stone bound set in the ground;

thence north 84 degrees 46 minutes east and always following a southeasterly line of land belonging to the Jackson Laboratory, 89.9 feet to a stone bound set in the ground in the northwesterly side of an old crossroad leading from the old Campground Road to State Highway Numbered 3;

thence north 23 degrees 16 minutes east and following a southeasterly line of land belonging to the Jackson Laboratory, 160.0 feet to an angle in said line;

thence north 9 degrees 16 minutes east and following a southeasterly line of land belonging to the Jackson Laboratory, 79 feet to an angle point in said line;

thence north 20 degrees 31 minutes east and following a southeasterly line of land belonging to the Jackson Laboratory, 445 feet to a stone bound set in the ground;

thence following the same course; namely, north 20 degrees 31 minutes east and following a southeasterly line of land belonging to the Jackson Laboratory, 888.38 feet to a stone bound set in the ground; said stone bound marking the northeasterly corner of land belonging to the Jackson Laboratory and the southeasterly corner of a lot of land belonging to the United States of America;

thence in a general easterly direction 38 feet more or less to a point in the westerly side line of the Schooner Head Road so called;

thence in a general southerly direction and always following the westerly side line of the Schooner Head Road, 202 feet more or less to a stone bound set in the ground;

thence south 20 degrees 31 minutes west across the land of the United States of America, 1,164 feet to a point in said line, said last described line being 100 feet distant from and parallel with the southeasterly line of land of the Jackson Laboratory;

thence following the same course; namely, south 20 degrees 31 minutes west across the land belonging to the United States of America, 137.3 feet to a stone bound set in the ground;

thence south 61 degrees 56 minutes west across the land belonging to the United States of America, 617.6 feet to an iron pipe driven in the ground, said iron pipe being in a southeasterly line of land formerly belonging to the trustees of Louise D. Morrell and now belonging to the Jackson Laboratory;

thence north 24 degrees 30 minutes east and following a southeasterly line of last mentioned land, 277 feet to an iron pipe driven in the ground;

thence following an easterly line of land belonging to the Jackson Laboratory along a curve to the left, 111 feet, the radius of said curve being 373 feet;

thence north 23 degrees 40 minutes west and always following a northeasterly line of land belonging to the Jackson Laboratory, said land belonging formerly to the trustees of Louise D. Morrell, 492 feet to the point of beginning, and containing 4.632 acres. The conveyance of title to the lands described in this section shall eliminate them from the Acadia National Park.

Approved March 4, 1968.

Public Law 90-263

March 11, 1968
[S. 1227]

AN ACT

To provide that a judgment or decree of the United States District Court for the District of Columbia shall not constitute a lien until filed and recorded in the office of the Recorder of Deeds of the District of Columbia, and for other purposes.

D.C., recording
of liens.

77 Stat. 522;
80 Stat. 1177.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of subsection (a) of section 15-101 of the District of Columbia Code is amended to read as follows:

"Except as provided by subsection (b) of this section, every final judgment or final decree for the payment of money rendered in the—

"(1) United States District Court for the District of Columbia;

or

"(2) District of Columbia Court of General Sessions—

when filed and recorded in the office of the Recorder of Deeds of the District of Columbia, is enforceable, by execution issued thereon, for the period of twelve years only from the date when an execution might first be issued thereon, or from the date of the last order of revival thereof."

SEC. 2. (a) Subsection (a) of section 15-102 of the District of Columbia Code is amended to read as follows:

"(a) Each—

"(1) final judgment or decree for the payment of money rendered in the United States District Court for the District of Columbia, or the District of Columbia Court of General Sessions, from the date such judgment or decree is filed and recorded in the office of the Recorder of Deeds of the District of Columbia, and

"(2) recognizance taken by the United States District Court for the District of Columbia, or the District of Columbia Court of General Sessions, from the date the entry or order of forfeiture of such recognizance is filed and recorded in the office of the Recorder of Deeds of the District of Columbia,

shall constitute a lien on all the freehold and leasehold estates, legal and equitable, of the defendants bound by such judgment, decree, or recognizance, in any land, tenements, or hereditaments in the District of Columbia, whether the estates are in possession or are reversions or remainders, vested or contingent. Such liens on equitable interests may be enforced only by an action to foreclose."

77 Stat. 526;
80 Stat. 1178.

SEC. 3. Section 15-311 of the District of Columbia Code is amended to read as follows:

"§ 15-311. Property subject to levy

"The writ of fieri facias may be levied on all goods and chattels of the debtor not exempt from execution, and upon money, bills, checks, promissory notes, or bonds, or certificates of stock in corporations owned by the debtor, and upon his money in the hands of the marshal or his deputy or other officer or person charged with the execution of the writ. A writ of fieri facias issued from the United States District

Court for the District of Columbia or the District of Columbia Court of General Sessions upon a judgment entered in such court may be levied on all legal leasehold and freehold estates of the debtor in land, but only after such judgment has been filed and recorded in the office of the Recorder of Deeds of the District of Columbia."

SEC. 4. (a) The amendments made by the first section and section 2 of this Act shall apply only with respect to judgments or decrees rendered in, or recognizances declared forfeited by, the United States District Court for the District of Columbia on and after April 1, 1968.

Effective dates.

(b) The amendment made by section 3 of this Act shall apply only with respect to writs of fieri facias issued by the United States District Court for the District of Columbia on and after April 1, 1968.

Approved March 11, 1968.

Public Law 90-264

AN ACT

March 12, 1968
[H. R. 12603]

To supplement the purposes of the Public Buildings Act of 1959 (73 Stat. 479), by authorizing agreements and leases with respect to certain properties in the District of Columbia, for the purpose of a national visitor center, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Visitor Center Facilities Act of 1968".

National Visitor
Center Facilities
Act of 1968.

TITLE I—NATIONAL VISITOR CENTER

SEC. 101. The Secretary of the Interior (hereafter in this Act referred to as the "Secretary"), in consultation with the Administrator of General Services (hereafter in this Act referred to as the "Administrator"), is authorized to negotiate and enter into agreements and leases with The Washington Terminal Company, its successors or assigns (hereafter in this Act referred to as the "Company"), the owner of the property in the District of Columbia known as Union Station, for use of all or a part of such property for a national visitor center to be known as the National Visitor Center and a parking facility in connection therewith.

SEC. 102. (a) The agreements and leases authorized by section 101 of this Act shall be subject to the following terms and conditions:

Agreements and
leases, condi-
tions.

(1) the Company shall agree to make such alterations of the Union Station Building as the Secretary determines necessary to provide adequate facilities for visitors, which facilities, including the parking facility under paragraph (3), shall be representative of the highest standards of excellence of design and function;

(2) the lease of the Union Station Building shall commence on a date to be mutually agreed upon contingent upon when such facilities are available for public use, and shall not be for a term of more than twenty-five years;

(3) the Company, in consultation with the Secretary, shall construct a parking facility, including necessary approaches and ramps, to accommodate as nearly as possible four thousand motor vehicles in the air space northerly of and adjacent to the existing Union Station Building, and such facility shall, upon completion, be leased to the United States for a term not to exceed twenty-five years;

(4) the Company shall, and it is hereby authorized to, construct a new railroad passenger station in the area beneath or adjacent to the parking facility referred to in paragraph (3);

(5) the United States shall have the option to purchase all of the property leased under this title for an amount not in excess of the fair market value of such property any time after the first year of the lease on one year's written notice and on such terms and conditions including credit toward such purchase price of any portions of rentals paid by the United States as may be mutually agreed upon;

(6) rentals paid by the United States shall not exceed the fair rental value of the property as mutually determined by the Secretary, the Administrator, and the Lessor;

(7) the aggregate annual cost to the United States of all leases entered into under this title shall not exceed \$3,500,000;

(8) the total cost of all alterations referred to in paragraph (1) and all construction referred to in paragraph (3) shall not exceed \$16,000,000, except that total cost of such alterations shall not exceed \$5,000,000.

(b) In addition to the terms and conditions set forth in subsection (a) of this section, agreements and leases entered into under authority of this title shall include such other terms and conditions as the Secretary and the Administrator jointly shall prescribe.

SEC. 103. The Secretary shall administer any property leased under this title in accordance with those provisions of the Act of August 25, 1916 (16 U.S.C. 1 et seq.), as amended and supplemented, applicable to the administration of the national park system.

39 Stat. 535.

Report to Congress.

SEC. 104. On or before April 15, 1968, the Secretary shall report to Congress the results of a full and complete investigation and study of the problems of transporting visitors along the Mall and its vicinity in the District of Columbia, on the United States Capitol Grounds, and to and from the National Visitor Center, including but not limited to, types of transportation to be utilized, the operation of any such transportation system, the feasibility of providing free transportation for visitors on all or any portion of such system, and proposed legislation to carry out his recommendations.

SEC. 105. (a) In connection with the construction of the parking facility to be constructed pursuant to section 102(a) (3) of this title, the District of Columbia shall, upon the request of the Secretary, transfer to the Secretary any real property under its jurisdiction which may be necessary to provide vehicular access to public roads and highways in the immediate area of such facility.

(b) Any alteration in the existing traffic pattern in Union Station Plaza necessitated or made desirable by reason of such parking facility shall be made only after consultation with the Architect of the Capitol.

SEC. 106. (a) Notwithstanding the execution of any agreement or lease pursuant to this title, the Secretary, in consultation with the National Visitor Facilities Advisory Commission established under title II of this Act, is directed (1) to make a continuing study of the needs of visitors to the Washington metropolitan area, including the necessity and desirability of different or additional visitor facilities, and of altering existing visitor facilities, and (2) to recommend that the Administrator acquire, alter, or construct such facilities.

(b) The Secretary shall submit annually a report to Congress on the National Visitor Center authorized by this title and on all other visitor facilities authorized in accordance with this Act, including the amendments made by this Act.

Report to Congress.

SEC. 107. All existing laws or parts of laws inconsistent with the provisions of this Act are hereby repealed to the extent to which they

are so inconsistent, but to no further or other extent.

SEC. 108. The first section of the Act approved November 5, 1966 (Public Law 89-759) is amended by inserting "and directed" immediately following "authorized" and by amending paragraph (1) to read as follows:

80 Stat. 1308.

"(1) select as the site of a permanent heliport, the parking facility referred to in section 102(a) (3) of the National Visitor Center Facilities Act of 1968;"

SEC. 109. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Appropriation.

SEC. 110. The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on the alterations referred to in section 102(a) (1), and the parking facility referred to in section 102(a) (3), of this title shall be paid wages at rates not less than those prevailing for the same type of work on similar construction in the locality as determined by the Secretary of Labor, in accordance with the Act of March 3, 1931, as amended, known as the Davis-Bacon Act (46 Stat. 1494; 40 U.S.C. 276a—276a-5). The Secretary of Labor shall have, with respect to the labor standards specified in this section, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276c).

49 Stat. 1011.

63 Stat. 108.

TITLE II—ADVISORY COMMISSION

SEC. 201. There is hereby created a National Visitor Facilities Advisory Commission (hereafter in this Act referred to as the "Commission") which shall (1) conduct a continuing review of the National Visitor Center established pursuant to title I of this Act, (2) conduct continuing investigations and studies of sites and plans to provide additional facilities and services for visitors and students coming to the Nation's Capital, and (3) advise the Secretary and the Administrator with respect to the planning, construction, acquisition, and operation of all such visitor facilities.

National Visitor
Facilities Ad-
visory Commis-
sion.
Establishment.

SEC. 202. (a) The Commission shall be composed of the Secretary, the Administrator, the Secretary of the Smithsonian Institution, the Chairman of the National Capital Planning Commission, the Chairman of the Commission of Fine Arts, six Members of the Senate, three from each party, to be appointed by the President of the Senate, and six Members of the House of Representatives, three from each party, to be appointed by the Speaker of the House of Representatives, and three members appointed by the President, at least two of whom shall not be officers of the Federal Government, and one member of whom shall be a representative of the District of Columbia government. Non-Federal members shall serve at the pleasure of the President. The Secretary shall be the Chairman of the Commission. The Commission shall meet at the call of the Chairman.

(b) Members of the Commission who are not officers or employees of the Federal Government or the government of the District of Columbia shall be entitled to receive compensation in accordance with section 3109 of title 5, United States Code, and travel expenses including per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in the government service employed intermittently.

Compensation,
travel expenses.

80 Stat. 416.

80 Stat. 499.

(c) The Director of the National Park Service, in consultation with

Report.

the Administrator, shall provide the necessary staff and facilities to assist the Commission in carrying out its duties under this title.

SEC. 203. The Commission shall, from time to time, report to the Secretary and the Administrator the results of its reviews, studies, and investigations. In the case of any report recommending additional facilities for visitors, such report shall include the Commission's recommendations as to a site or sites for the facilities to be provided, together with preliminary plans, specifications, and architectural drawings for such facilities as well as the estimated cost of the recommended sites and facilities.

TITLE III—CAPITOL VISITOR CENTER

SEC. 301. Notwithstanding any other provision of law, the Architect of the Capitol, in consultation with the House Office Building Commission and the Senate Office Building Commission, is hereby authorized and directed to provide adequate space and facilities in the Capitol Building for an educational and informational center and information and distribution stations to afford visitors to the Capitol Building an opportunity to acquire (1) information relative to Congressional offices, (2) assistance relative to their visit to the Capitol, (3) pamphlets, books, drawings, slides and photographs, and related materials, and (4) information about the Capitol and the history of the Capitol Building and past and present Congresses. All materials distributed by such educational and informational center and such stations shall first be approved by the Architect of the Capitol, after consultation with the House Committee on House Administration, the Senate Committee on Rules and Administration, the United States Capitol Historical Society, and such other educational and historical groups as the Architect of the Capitol deems appropriate. The Architect of the Capitol is hereby authorized to enter into such agreements as may be reasonably necessary to operate such educational and informational center and stations.

Approved March 12, 1968.

Public Law 90-265

March 12, 1968
[S. 1821]

AN ACT

To authorize the Secretary of the Interior to exchange certain property at Acadia National Park in Maine with the owner of certain property adjacent to the park.

Acadia National
Park, Maine.
Land exchange.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior may convey to one Maurice Rich, Senior, a portion of the Acadia National Park, comprising approximately one and eight-tenths acres in the town of Southwest Harbor, Maine, and in exchange therefor the Secretary may accept from said Maurice Rich, Senior, any property which in the Secretary's judgment is suitable for addition to the park. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require. Any cash payment received by the Secretary shall be credited to the land and water conservation fund in the Treasury of the United States. A conveyance of the federally owned lot shall eliminate it from the park.

Approved March 12, 1968.

Public Law 90-266

AN ACT

March 12, 1968
[S. 1727]

To authorize the consolidation and use of funds arising from judgments in favor of the Apache Tribe of the Mescalero Reservation and of each of its constituent groups.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds or the share of the funds, which are or hereafter may be deposited in the Treasury of the United States to the credit of the Mescalero Apache Tribe, the portion of the Chiricahua Apache Tribe on the Mescalero Reservation, and the Lipan Apache Tribe (certain constituent groups of the Apache Tribe of the Mescalero Reservation), or any other constituent group of the Apache Tribe of the Mescalero Reservation, or the Apache Tribe of the Mescalero Reservation, to pay any judgments arising out of proceedings instituted before the Indian Claims Commission in dockets numbered 22-B, 22-C, 22-G, 30, 48, 49, and 182 and the interest on said funds, after payment of attorney fees and expenses, shall be consolidated and credited to the account of the Apache Tribe of the Mescalero Reservation, and the judgment recovered in docket numbered 22-B, and the interest thereon, may be advanced, expended, deposited, invested, or reinvested for any purpose that is authorized by the tribal governing body of the Apache Tribe of the Mescalero Reservation and approved by the Secretary of the Interior. Any part of such funds that may be distributed per capita to the members of the tribes shall not be subject to Federal or State income tax.

Apache Tribe of
Mescalero Reserva-
tion.
Judgment funds.

Approved March 12, 1968.

Public Law 90-267

AN ACT

March 13, 1968
[S. 1155]

To amend the Export-Import Bank Act of 1945, as amended, to change the name of the Bank, to extend for five years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves, export credit insurance and guarantees, to restrict the financing by the Bank of certain transactions, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The Export-Import Bank Act of 1945 is amended—

(a) By changing "Export-Import Bank of Washington", wherever that name refers to the legal entity created by the Export-Import Bank Act of 1945, to "Export-Import Bank of the United States".

(b) Section 2 of such Act is amended by striking subsection (b) thereof and by substituting in lieu thereof the following:

"(b)(1) It is the policy of the Congress that the Bank in the exercise of its functions should supplement and encourage and not compete with private capital; that loans, so far as possible consistently with carrying out the purposes of subsection (a), shall generally be for specific purposes, and, in the judgment of the Board of Directors, offer reasonable assurance of repayment; and that in authorizing such loans the Board of Directors should take into account the possible adverse effects upon the United States economy."

Export-Import
Bank Act of 1945,
amendment.
59 Stat. 526.
12 USC 635
note.

(c) Section 2(b) of such Act is further amended by adding the following at the end thereof:

Exports to Communist countries, prohibitions.

"(2) The Bank in the exercise of its functions shall not guarantee, insure, or extend credit, or participate in any extension of credit—

76 Stat. 261;
78 Stat. 1013.
22 USC 2370.

"(A) in connection with the purchase or lease of any product by a Communist country (as defined in section 620(f) of the Foreign Assistance Act of 1961, as amended), or agency or national thereof, or

"(B) in connection with the purchase or lease of any product by any other foreign country, or agency, or national thereof, if the product to be purchased or leased by such other country, agency, or national is, to the knowledge of the Bank, principally for use in, or sale or lease to, a Communist country (as so defined),

Presidential determination; report to Congress.

except that the prohibitions contained in this paragraph shall not apply in the case of any transaction which the President determines would be in the national interest if he reports that determination to the Senate and House of Representatives within thirty days after making the same.

"(3) The Bank shall not guarantee, insure, or extend credit, or participate in the extension of credit in connection with the purchase of any product, technical data, or other information by a national or agency of any nation—

"(A) which engages in armed conflict, declared or otherwise, with armed forces of the United States; or

"(B) which furnishes by direct governmental action (not including chartering, licensing or sales by non-wholly-owned business enterprises) goods, supplies, military assistance, or advisers to a nation described in subparagraph (A);

nor shall the Bank guarantee, insure, or extend credit, or participate in the extension of credit in connection with the purchase by any nation (or national or agency thereof) of any product, technical data, or other information which is to be used principally by or in a nation described in subparagraph (A) or (B).

78 Stat. 827.
26 USC 4916.

78 Stat. 809;
81 Stat. 145.

Presidential determination; report to Congress.

"(4) The Bank shall not guarantee, insure, or extend credit, or participate in an extension of credit in connection with any credit sale of defense articles and defense services to any country designated under section 4916 of the Internal Revenue Code of 1954 as an economically less developed country for purposes of the tax imposed by section 4911 of that Code. The prohibitions set forth in this paragraph shall not apply with respect to any transaction the consummation of which the President determines would be in the national interest and reports such determination (within thirty days after making the same) to the Senate and House of Representatives. In making any such determination the President shall take into account, among other considerations, the national interest in avoiding arms races among countries not directly menaced by the Soviet Union or by Communist China; in avoiding arming military dictators who are denying social progress to their own peoples; and in avoiding expenditures by developing countries of scarce foreign exchange needed for peaceful economic progress.

"(5) In no event shall the Bank have outstanding at any time in excess of 7½ per centum of the limitation imposed by section 7 of this Act for such guarantees, insurance, credits or participation in credits with respect to exports of defense articles and services to countries

12 USC 635e.

which, in the judgment of the Board of Directors of the Bank, are less developed."

(c) By changing in section 2(c) of that Act, "\$2,000,000,000" to read "\$3,500,000,000".

(d) By changing the last sentence in section 3(d) of that Act to read: "Members, not otherwise in the regular full-time employ of the United States, may be compensated at rates not exceeding the per diem equivalent of the rate for grade 18 of the General Schedule (5 U.S.C. 5332) for each day spent in travel or attendance at meetings of the Committee, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently."

(e) By changing, in section 7 of that Act, "\$9,000,000,000" to read "\$13,500,000,000".

(f) By changing, in section 8 of that Act, "June 30, 1968" to read "June 30, 1973".

Approved March 13, 1968.

75 Stat. 673;
77 Stat. 128.
12 USC 635.
Compensation,
travel expenses.
68 Stat. 677.
12 USC 635a.

80 Stat. 499.

12 USC 635e.

12 USC 635f.

Public Law 90-268

AN ACT

To amend the Merchant Marine Act, 1936, with respect to the development of cargo container vessels, and for other purposes.

March 16, 1968
[S. 2419]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 212 of the Merchant Marine Act, 1936 (46 U.S.C. 1122) is amended by (1) striking out "and" at the end of clause (d), (2) striking out the period at the end of clause (e) and inserting in lieu thereof a semicolon and "and", (3) redesignating clause (f) as clause (g), and (4) inserting before such clause a new clause as follows:

Merchant Marine
Act, 1936, amend-
ment.
49 Stat. 1990.

"(f) To study means and methods of encouraging the development and implementation of new concepts for the carriage of cargo in the domestic and foreign commerce of the United States, and to study the economic and technological aspects of the use of cargo containers as a method of carrying out the declaration of policy set forth in title I of this Act, and in carrying out the provisions of this clause and such policy the United States shall not give preference as between carriers upon the basis of length, height, or width of cargo containers or length, height, or width of cargo container cells and this requirement shall be applicable to all existing container vessels and any container vessel to be constructed or rebuilt."

SEC. 2. Section 303(a) of the Act of June 30, 1949 (41 U.S.C. 253 (a)), as amended, is amended by adding a new sentence as follows: "No advertisement or invitation to bid for the carriage of Government property in other than Government-owned cargo containers shall specify carriage of such property in cargo containers of any stated length, height, or width."

63 Stat. 395;
66 Stat. 594.

SEC. 3. Section 2305(a) of title 10 of the United States Code is amended by adding a new sentence as follows: "Except in a case where the Secretary of Defense determines that military requirements necessitate specification of container sizes, no advertisement or invitation to bid for the carriage of Government property in other than Government-owned cargo containers shall specify carriage of such property in cargo containers of any stated length, height, or width."

70A Stat. 130.

63 Stat. 393.

SEC. 4. Section 302 of the Act of June 30, 1949 (41 U.S.C. 252), is amended by adding thereto the following subsection:

“(f) No contract for the carriage of Government property in other than Government-owned cargo containers shall require carriage of such property in cargo containers of any stated length, height, or width.”

70A Stat. 128;
76 Stat. 528.

SEC. 5. Section 2304 of title 10 of the United States Code is amended by adding thereto the following subsection:

“(h) Except in a case where the Secretary of Defense determines that military requirements necessitate specification of container sizes, no contract for the carriage of Government property in other than Government-owned cargo containers shall require carriage of such property in cargo containers of any stated length, height, or width.”

Approved March 16, 1968.

Public Law 90-269

AN ACT

March 18, 1968
[H. R. 14743]

To eliminate the reserve requirements for Federal Reserve notes and for United States notes and Treasury notes of 1890.

Gold reserve re-
quirements.
Elimination.
59 Stat. 237.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Subsection (c) of section 11 of the Federal Reserve Act (12 U.S.C. 248(c)) is amended by striking both provisos, and by striking the last sentence, in such subsection.

38 Stat. 265.

SEC. 2. The first sentence of section 15 of the Federal Reserve Act (12 U.S.C. 391) is amended by striking “and the funds provided in this Act for the redemption of Federal Reserve notes”.

40 Stat. 236.

SEC. 3. That part of the third paragraph of section 16 of the Federal Reserve Act (12 U.S.C. 413) which precedes the last two sentences of such paragraph is amended to read: “Federal Reserve notes shall bear upon their faces a distinctive letter and serial number which shall be assigned by the Board of Governors of the Federal Reserve System to each Federal Reserve bank.”

Repeal.

SEC. 4. (a) The first sentence of the fourth paragraph of section 16 of the Federal Reserve Act (12 U.S.C. 414) is repealed.

(b) The sentence which, prior to the repeal made by this section, was the second sentence of such paragraph is amended by inserting immediately after “The Board” the following: “of Governors of the Federal Reserve System”.

Repeal.

SEC. 5. The sixth paragraph of section 16 of the Federal Reserve Act (12 U.S.C. 415) is repealed.

Repeal.

SEC. 6. The fourth sentence of the paragraph which, prior to the amendments made by this Act, was the seventh paragraph of section 16 of the Federal Reserve Act (12 U.S.C. 416) is repealed.

Repeal.

SEC. 7. The paragraph which, prior to the amendments made by this Act, was the eighteenth paragraph of section 16 of the Federal Reserve Act (12 U.S.C. 467) is repealed.

48 Stat. 340.

48 Stat. 340.

SEC. 8. Section 6 of the Gold Reserve Act of 1934 (31 U.S.C. 408a) is amended by striking in the second proviso the phrases “the reserve for United States notes and for Treasury notes of 1890, and” and “, and the reserve for Federal Reserve notes shall be maintained in gold certificates, or in credits payable in gold certificates maintained with the Treasurer of the United States under section 16 of the Federal Reserve Act, as heretofore and by this Act amended”.

Repeals.

SEC. 9. There are hereby repealed the sentences of subsection (a) of section 43 of the Act of May 12, 1933 (48 Stat. 31, 52; 31 U.S.C. 821(a)), which read: “No suspension of reserve requirements of the

Federal Reserve banks, under the terms of section 11(c) of the Federal Reserve Act necessitated by reason of operations under this section, shall require the imposition of the graduated tax upon any deficiency in reserves as provided in said section 11(c). Nor shall it require any automatic increase in the rates of interest or discount charged by any Federal Reserve bank, as otherwise specified in that section."

SEC. 10. Section 2 of the Act of July 14, 1890 (26 Stat. 289; 31 U.S.C. 408), and section 2 of the Act of March 14, 1900 (31 Stat. 45), are repealed.

Repeals.

SEC. 11. Section 7 of the Act of January 30, 1934 (48 Stat. 341, 31 U.S.C. 408b), is amended by striking the phrase "and as a reserve for any United States notes and for Treasury notes of 1890" and also by striking the phrase "as a reserve for any United States notes and for Treasury notes of 1890, and".

SEC. 12. Section 14(c) of the Act of January 30, 1934 (48 Stat. 344, 31 U.S.C. 405b), is amended by striking from the first sentence "except the gold fund held as a reserve for any United States notes and Treasury notes of 1890."

Approved March 18, 1968.

Public Law 90-270

AN ACT

To designate the Oahe Reservoir on the Missouri River in the States of North Dakota and South Dakota as Lake Oahe.

March 21, 1968
[H. R. 2901]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Oahe Reservoir on the Missouri River in the States of North Dakota and South Dakota shall be known and designated hereafter as Lake Oahe in honor of the Indian people who inhabited the great Missouri River Basin. Any law, regulation, document, or record of the United States in which such reservoir is referred to by any other name shall be held and considered to refer to such reservoir by the name of Lake Oahe.

Lake Oahe,
N. Dak-S. Dak.
Designation.

Approved March 21, 1968.

Public Law 90-271

AN ACT

To designate the San Rafael Wilderness, Los Padres National Forest, in the State of California.

March 21, 1968
[S. 889]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with subsection 3(b) of the Wilderness Act of September 3, 1964 (78 Stat. 891), the area classified as the San Rafael Primitive Area, with the proposed additions thereto, as generally depicted on a map entitled "San Rafael Wilderness—Proposed," dated October 3, 1966, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the San Rafael Wilderness within and as a part of Los Padres National Forest, comprising an area of approximately 143,000 acres.

San Rafael
Wilderness, Calif.
Designation.
16 USC 1132.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the San Rafael Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives

Filing of map
and information
with Congress.

and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

Administration.

SEC. 3. The San Rafael Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

Approved March 21, 1968.

Public Law 90-272

March 22, 1968
[S. J. Res. 123]

JOINT RESOLUTION

To approve long-term contracts for delivery of water from Navajo Reservoir in the State of New Mexico, and for other purposes.

43 USC 615ss.

Whereas section 11(a) of the Act of June 13, 1962 (76 Stat. 96; Public Law 87-483), provides that: "No long-term contract, except contracts for the benefit of the lands and for the purposes specified in sections 2 (Navajo Indian irrigation project) and 8 (San Juan-Chama project) of this Act, shall be entered into for the delivery of water stored in Navajo Reservoir or of any other waters of the San Juan River and its tributaries, as aforesaid, until the Secretary has determined by hydrologic investigation that sufficient water to fulfill said contract is reasonably likely to be available for use in the State of New Mexico during the term thereof under the allocations made in articles III and XIV of the Upper Colorado River Basin Compact, and has submitted such determination to the Congress of the United States and the Congress has approved such contracts."; and Whereas the Secretary has made such determination in connection with the following contracts transmitted to Congress by letter dated November 21, 1967:

	Water diversion (acre-feet)	Estimated water depletion (acre-feet)	Proposed uses
Public Service Company of New Mexico---	20, 200	16, 200	Thermal-electric generation. Pump cooling. Thermal-electric generation.
Southern Union Gas Company-----	50	50	
Utah Construction and Mining Company---	44, 000	35, 300	
	64, 250	51, 550	

Now, therefore, be it

Water contracts,
approval.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That such contracts are hereby approved by the Congress. The Secretary may enter into amendments thereto which would in his judgment be in the interest of water conservation, but the total water depletion shall not exceed the estimates set forth in this joint resolution.

Approved March 22, 1968.

Public Law 90-273

JOINT RESOLUTION

March 26, 1968

[S. J. Res. 138]

Calling on the Boy Scouts of America to serve the youth of this Nation as required by their congressional charter.

Whereas the Boy Scouts of America has acted under a congressional charter since 1916, serving over forty million boys with a program that develops physical fitness, character, and citizenship; and
 Whereas the Boy Scouts of America has achieved significant results in preventing and reducing juvenile delinquency; and
 Whereas the Boy Scouts of America has extended its program to disadvantaged boys in the deprived areas of urban and rural areas of our Nation; and
 Whereas there is an increasing need for training boys to become responsible citizens in accord with the ideals and principles of the Scout oath and law; and
 Whereas the Boy Scouts of America gives strong support to the home, the religious institution, the school and communities in the training, education, and development of youth; and
 Whereas the Congress is called upon to assist and promote programs of promise in these critical areas: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress of the United States calls on the Boy Scouts of America further to advance its service to the youth of this Nation as required by their congressional charter to the end that more boys in every segment of our society will be involved in its program and future generations of Americans will be better prepared with the skill and confidence to master the changing demands of America's future and prepared to give leadership to it.

Boy Scouts of
America.

Approved March 26, 1968.

Public Law 90-274

AN ACT

March 27, 1968

[S. 989]

To provide improved judicial machinery for the selection of Federal juries, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Jury Selection and Service Act of 1968".

Jury Selection
and Service Act
of 1968.

SEC. 101. The caption, analysis, and sections 1861 through 1869 of chapter 121 of title 28, United States Code, are amended to read as follows:

62 Stat. 951.

"Chapter 121.—JURIES; TRIAL BY JURY

"Sec.

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“§ 1861. Declaration of policy

“It is the policy of the United States that all litigants in Federal courts entitled to trial by jury shall have the right to grand and petit juries selected at random from a fair cross section of the community in the district or division wherein the court convenes. It is further the policy of the United States that all citizens shall have the opportunity to be considered for service on grand and petit juries in the district courts of the United States, and shall have an obligation to serve as jurors when summoned for that purpose.

“§ 1862. Discrimination prohibited

“No citizen shall be excluded from service as a grand or petit juror in the district courts of the United States on account of race, color, religion, sex, national origin, or economic status.

“§ 1863. Plan for random jury selection

“(a) Each United States district court shall devise and place into operation a written plan for random selection of grand and petit jurors that shall be designed to achieve the objectives of sections 1861 and 1862 of this title, and that shall otherwise comply with the provisions of this title. The plan shall be placed into operation after approval by a reviewing panel consisting of the members of the judicial council of the circuit and either the chief judge of the district whose plan is being reviewed or such other active district judge of that district as the chief judge of the district may designate. The panel shall examine the plan to ascertain that it complies with the provisions of this title. If the reviewing panel finds that the plan does not comply, the panel shall state the particulars in which the plan fails to comply and direct the district court to present within a reasonable time an alternative plan remedying the defect or defects. Separate plans may be adopted for each division or combination of divisions within a judicial district. The district court may modify a plan at any time and it shall modify the plan when so directed by the reviewing panel. The district court shall promptly notify the panel, the Administrative Office of the United States Courts, and the Attorney General of the United States, of the initial adoption and future modifications of the plan by filing copies therewith. Modifications of the plan made at the instance of the district court shall become effective after approval by the panel. Each district court shall submit a report on the jury selection process within its jurisdiction to the Administrative Office of the United States Courts in such form and at such times as the Judicial Conference of the United States may specify. The Judicial Conference of the United States may, from time to time, adopt rules and regulations governing the provisions and the operation of the plans formulated under this title.

Jury selection
process, report.

Plan provisions.

“(b) Among other things, such plan shall—

“(1) either establish a jury commission, or authorize the clerk of the court, to manage the jury selection process. If the plan establishes a jury commission, the district court shall appoint one citizen to serve with the clerk of the court as the jury commission: *Provided, however,* That the plan for the District of Columbia may establish a jury commission consisting of three citizens. The citizen jury commissioner shall not belong to the same political party as the clerk serving with him. The clerk or the jury commission, as the case may be, shall act under the supervision and control of the chief judge of the district court or such other judge of the district court as the plan may provide. Each jury commissioner shall, during his tenure in office, reside in the judicial district or division for which he is appointed. Each citizen jury

Compensation.

commissioner shall receive compensation to be fixed by the district court plan at a rate not to exceed \$50 per day for each day necessarily employed in the performance of his duties, plus reimbursement for travel, subsistence, and other necessary expenses incurred by him in the performance of such duties. The Judicial Conference of the United States may establish standards for allowance of travel, subsistence, and other necessary expenses incurred by jury commissioners.

“(2) specify whether the names of prospective jurors shall be selected from the voter registration lists or the lists of actual voters of the political subdivisions within the district or division. The plan shall prescribe some other source or sources of names in addition to voter lists where necessary to foster the policy and protect the rights secured by sections 1861 and 1862 of this title. The plan for the District of Columbia may require the names of prospective jurors to be selected from the city directory rather than from voter lists. The plans for the districts of Puerto Rico and the Canal Zone may prescribe some other source or sources of names of prospective jurors in lieu of voter lists, the use of which shall be consistent with the policies declared and rights secured by sections 1861 and 1862 of this title.

Jury selection
sources.

District of
Columbia, Puerto
Rico, and Canal
Zone.

“(3) specify detailed procedures to be followed by the jury commission or clerk in selecting names from the sources specified in paragraph (2) of this subsection. These procedures shall be designed to ensure the random selection of a fair cross section of the persons residing in the community in the district or division wherein the court convenes. They shall ensure that names of persons residing in each of the counties, parishes, or similar political subdivisions within the judicial district or division are placed in a master jury wheel; and shall ensure that each county, parish, or similar political subdivision within the district or division is substantially proportionally represented in the master jury wheel for that judicial district, division, or combination of divisions. For the purposes of determining proportional representation in the master jury wheel, either the number of actual voters at the last general election in each county, parish, or similar political subdivision, or the number of registered voters if registration of voters is uniformly required throughout the district or division, may be used.

Name selection
procedures.

“(4) provide for a master jury wheel (or a device similar in purpose and function) into which the names of those randomly selected shall be placed. The plan shall fix a minimum number of names to be placed initially in the master jury wheel, which shall be at least one-half of 1 per centum of the total number of persons on the lists used as a source of names for the district or division; but if this number of names is believed to be cumbersome and unnecessary, the plan may fix a smaller number of names to be placed in the master wheel, but in no event less than one thousand. The chief judge of the district court, or such other district court judge as the plan may provide, may order additional names to be placed in the master jury wheel from time to time as necessary. The plan shall provide for periodic emptying and refilling of the master jury wheel at specified times.

Master jury
wheel.

“(5) specify those groups of persons or occupational classes whose members shall, on individual request therefor, be excused from jury service. Such groups or classes shall be excused only if the district court finds, and the plan states, that jury service by such class or group would entail undue hardship or extreme incon-

Excused or ex-
empted groups.

venience to the members thereof, and excuse of members thereof would not be inconsistent with sections 1861 and 1862 of this title.

“(6) specify those groups of persons or occupational classes whose members shall be barred from jury service on the ground that they are exempt. Such groups or classes shall be exempt only if the district court finds, and the plan states, that their exemption is in the public interest and would not be inconsistent with sections 1861 and 1862 of this title. The plan shall provide for exemption of the following persons: (i) members in active service in the Armed Forces of the United States; (ii) members of the fire or police departments of any State, district, territory, possession, or subdivision thereof; (iii) public officers in the executive, legislative, or judicial branches of the Government of the United States, or any State, district, territory, or possession or subdivision thereof, who are actively engaged in the performance of official duties.

“(7) fix the distance, either in miles or in travel time, from each place of holding court beyond which prospective jurors residing shall, on individual request therefor, be excused from jury service on the ground of undue hardship in traveling to the place where court is held.

Names disclosure.

“(8) fix the time when the names drawn from the qualified jury wheel shall be disclosed to parties and to the public. If the plan permits these names to be made public, it may nevertheless permit the chief judge of the district court, or such other district court judge as the plan may provide, to keep these names confidential in any case where the interests of justice so require.

“(9) specify the procedures to be followed by the clerk or jury commission in assigning persons whose names have been drawn from the qualified jury wheel to grand and petit jury panels.

Plan transmittal.

“(c) The initial plan shall be devised by each district court and transmitted to the reviewing panel specified in subsection (a) of this section within one hundred and twenty days of the date of enactment of the Jury Selection and Service Act of 1968. The panel shall approve or direct the modification of each plan so submitted within sixty days thereafter. Each plan or modification made at the direction of the panel shall become effective after approval at such time thereafter as the panel directs, in no event to exceed ninety days from the date of approval. Modifications made at the instance of the district court under subsection (a) of this section shall be effective at such time thereafter as the panel directs, in no event to exceed ninety days from the date of modification.

Effective date.

Voter registration lists and records, availability.

“(d) State, local, and Federal officials having custody, possession, or control of voter registration lists, lists of actual voters, or other appropriate records shall make such lists and records available to the jury commission or clerks for inspection, reproduction, and copying at all reasonable times as the commission or clerk may deem necessary and proper for the performance of duties under this title. The district courts shall have jurisdiction upon application by the Attorney Gen-

eral of the United States to compel compliance with this subsection by appropriate process.

“§ 1864. Drawing of names from the master jury wheel; completion of juror qualification form

“(a) From time to time as directed by the district court, the clerk or a district judge shall publicly draw at random from the master jury wheel the names of as many persons as may be required for jury service. The clerk or jury commission shall prepare an alphabetical list of the names drawn, which list shall not be disclosed to any person except pursuant to the district court plan and to sections 1867 and 1868 of this title. The clerk or jury commission shall mail to every person whose name is drawn from the master wheel a juror qualification form accompanied by instructions to fill out and return the form, duly signed and sworn, to the clerk or jury commission by mail within ten days. If the person is unable to fill out the form, another shall do it for him, and shall indicate that he has done so and the reason therefor. In any case in which it appears that there is an omission, ambiguity, or error in a form, the clerk or jury commission shall return the form with instructions to the person to make such additions or corrections as may be necessary and to return the form to the clerk or jury commission within ten days. Any person who fails to return a completed juror qualification form as instructed may be summoned by the clerk or jury commission forthwith to appear before the clerk or jury commission to fill out a juror qualification form. A person summoned to appear because of failure to return a juror qualification form as instructed who personally appears and executes a juror qualification form before the clerk or jury commission may, at the discretion of the district court, except where his prior failure to execute and mail such form was willful, be entitled to receive for such appearance the same fees and travel allowances paid to jurors under section 1871 of this title. At the time of his appearance for jury service, any person may be required to fill out another juror qualification form in the presence of the jury commission or the clerk or the court, at which time, in such cases as it appears warranted, the person may be questioned, but only with regard to his responses to questions contained on the form. Any information thus acquired by the clerk or jury commission may be noted on the juror qualification form and transmitted to the chief judge or such district court judge as the plan may provide.

“(b) Any person summoned pursuant to subsection (a) of this section who fails to appear as directed shall be ordered by the district court forthwith to appear and show cause for his failure to comply with the summons. Any person who fails to appear pursuant to such order or who fails to show good cause for noncompliance with the summons may be fined not more than \$100 or imprisoned not more than three days, or both. Any person who willfully misrepresents a material fact on a juror qualification form for the purpose of avoiding or securing service as a juror may be fined not more than \$100 or imprisoned not more than three days, or both.

Penalty.

“§ 1865. Qualifications for jury service

“(a) The chief judge of the district court, or such other district court judge as the plan may provide, on his initiative or upon recommendation of the clerk or jury commission, shall determine solely on the basis of information provided on the juror qualification form and other competent evidence whether a person is unqualified for, or exempt, or to be excused from jury service. The clerk shall enter such determination in the space provided on the juror qualification form and the alphabetical list of names drawn from the master jury wheel. If a person did not appear in response to a summons, such fact shall be noted on said list.

“(b) In making such determination the chief judge of the district court, or such other district court judge as the plan may provide, shall deem any person qualified to serve on grand and petit juries in the district court unless he—

Ineligibility
conditions.

“(1) is not a citizen of the United States twenty-one years old who has resided for a period of one year within the judicial district;

“(2) is unable to read, write, and understand the English language with a degree of proficiency sufficient to fill out satisfactorily the juror qualification form;

“(3) is unable to speak the English language;

“(4) is incapable, by reason of mental or physical infirmity, to render satisfactory jury service; or

“(5) has a charge pending against him for the commission of, or has been convicted in a State or Federal court of record of, a crime punishable by imprisonment for more than one year and his civil rights have not been restored by pardon or amnesty.

“§ 1866. Selection and summoning of jury panels

“(a) The jury commission, or in the absence thereof the clerk, shall maintain a qualified jury wheel and shall place in such wheel names of all persons drawn from the master jury wheel who are determined to be qualified as jurors and not exempt or excused pursuant to the district court plan. From time to time, the jury commission or the clerk shall publicly draw at random from the qualified jury wheel such number of names of persons as may be required for assignment to grand and petit jury panels. The jury commission or the clerk shall prepare a separate list of names of persons assigned to each grand and petit jury panel.

“(b) When the court orders a grand or petit jury to be drawn the clerk or jury commission shall issue summonses for the required number of jurors and deliver them to the marshal for service.

“Each person drawn for jury service may be served personally or by registered or certified mail addressed to such person at his usual residence or business address.

“Such service shall be made by the marshal who shall attach to his return the addressee's receipt for the registered or certified summons where service is made by mail.

“(c) Except as provided in section 1865 of this title or in any jury selection plan provision adopted pursuant to paragraph (5), (6), or (7) of section 1863(b) of this title, no person or class of persons shall be disqualified, excluded, excused, or exempt from service as jurors: *Provided*, That any person summoned for jury service may be (1) excused by the court, upon a showing of undue hardship or extreme inconvenience, for such period as the court deems necessary, at the conclusion of which such person shall be summoned again for jury service under subsections (b) and (c) of this section, or (2) excluded by the

court on the ground that such person may be unable to render impartial jury service or that his service as a juror would be likely to disrupt the proceedings, or (3) excluded upon peremptory challenge as provided by law, or (4) excluded pursuant to the procedure specified by law upon a challenge by any party for good cause shown, or (5) excluded upon determination by the court that his service as a juror would be likely to threaten the secrecy of the proceedings, or otherwise adversely affect the integrity of jury deliberations. No person shall be excluded under clause (5) of this subsection unless the judge, in open court, determines that such is warranted and that exclusion of the person will not be inconsistent with sections 1861 and 1862 of this title. The number of persons excluded under clause (5) of this subsection shall not exceed one per centum of the number of persons who return executed jury qualification forms during the period, specified in the plan, between two consecutive fillings of the master jury wheel. The names of persons excluded under clause (5) of this subsection, together with detailed explanations for the exclusions, shall be forwarded immediately to the judicial council of the circuit, which shall have the power to make any appropriate order, prospective or retroactive, to redress any misapplication of clause (5) of this subsection, but otherwise exclusions effectuated under such clause shall not be subject to challenge under the provisions of this title. Any person excluded from a particular jury under clause (2), (3), or (4) of this subsection shall be eligible to sit on another jury if the basis for his initial exclusion would not be relevant to his ability to serve on such other jury.

“(d) Whenever a person is disqualified, excused, exempt, or excluded from jury service, the jury commission or clerk shall note in the space provided on his juror qualification form or on the juror’s card drawn from the qualified jury wheel the specific reason therefor.

“(e) In any two-year period, no person shall be required to (1) serve or attend court for prospective service as a petit juror for a total of more than thirty days, except when necessary to complete service in a particular case, or (2) serve on more than one grand jury, or (3) serve as both a grand and petit juror.

“(f) When there is an unanticipated shortage of available petit jurors drawn from the qualified jury wheel, the court may require the marshal to summon a sufficient number of petit jurors selected at random from the voter registration lists, lists of actual voters, or other lists specified in the plan, in a manner ordered by the court consistent with sections 1861 and 1862 of this title.

“(g) Any person summoned for jury service who fails to appear as directed shall be ordered by the district court to appear forthwith and show cause for his failure to comply with the summons. Any person who fails to show good cause for noncompliance with a summons may be fined not more than \$100 or imprisoned not more than three days, or both.

Penalty.

“§ 1867. Challenging compliance with selection procedures

“(a) In criminal cases, before the voir dire examination begins, or within seven days after the defendant discovered or could have discovered, by the exercise of diligence, the grounds therefor, whichever is earlier, the defendant may move to dismiss the indictment or stay the proceedings against him on the ground of substantial failure to comply with the provisions of this title in selecting the grand or petit jury.

“(b) In criminal cases, before the voir dire examination begins, or within seven days after the Attorney General of the United States discovered or could have discovered, by the exercise of diligence, the grounds therefor, whichever is earlier, the Attorney General may move

to dismiss the indictment or stay the proceedings on the ground of substantial failure to comply with the provisions of this title in selecting the grand or petit jury.

“(c) In civil cases, before the voir dire examination begins, or within seven days after the party discovered or could have discovered, by the exercise of diligence, the grounds therefor, whichever is earlier, any party may move to stay the proceedings on the ground of substantial failure to comply with the provisions of this title in selecting the petit jury.

“(d) Upon motion filed under subsection (a), (b), or (c) of this section, containing a sworn statement of facts which, if true, would constitute a substantial failure to comply with the provisions of this title, the moving party shall be entitled to present in support of such motion the testimony of the jury commission or clerk, if available, any relevant records and papers not public or otherwise available used by the jury commissioner or clerk, and any other relevant evidence. If the court determines that there has been a substantial failure to comply with the provisions of this title in selecting the grand jury, the court shall stay the proceedings pending the selection of a grand jury in conformity with this title or dismiss the indictment, whichever is appropriate. If the court determines that there has been a substantial failure to comply with the provisions of this title in selecting the petit jury, the court shall stay the proceedings pending the selection of a petit jury in conformity with this title.

“(e) The procedures prescribed by this section shall be the exclusive means by which a person accused of a Federal crime, the Attorney General of the United States or a party in a civil case may challenge any jury on the ground that such jury was not selected in conformity with the provisions of this title. Nothing in this section shall preclude any person or the United States from pursuing any other remedy, civil or criminal, which may be available for the vindication or enforcement of any law prohibiting discrimination on account of race, color, religion, sex, national origin or economic status in the selection of persons for service on grand or petit juries.

“(f) The contents of records or papers used by the jury commission or clerk in connection with the jury selection process shall not be disclosed, except pursuant to the district court plan or as may be necessary in the preparation or presentation of a motion under subsection (a), (b), or (c) of this section, until after the master jury wheel has been emptied and refilled pursuant to section 1863(b)(4) of this title and all persons selected to serve as jurors before the master wheel was emptied have completed such service. The parties in a case shall be allowed to inspect, reproduce, and copy such records or papers at all reasonable times during the preparation and pendency of such a motion. Any person who discloses the contents of any record or paper in violation of this subsection may be fined not more than \$1,000 or imprisoned not more than one year, or both.

“§ 1868. Maintenance and inspection of records

“After the master jury wheel is emptied and refilled pursuant to section 1863(b)(4) of this title, and after all persons selected to serve as jurors before the master wheel was emptied have completed such service, all records and papers compiled and maintained by the jury commission or clerk before the master wheel was emptied shall be preserved in the custody of the clerk for four years or for such longer period as may be ordered by a court, and shall be available for public inspection for the purpose of determining the validity of the selection of any jury.

Discrimination,
prohibition.

Records or
papers, nondis-
closure.

Penalty.

Records availa-
bility for 4-year
period.

“§ 1869. Definitions

“For purposes of this chapter—

“(a) ‘clerk’ and ‘clerk of the court’ shall mean the clerk of the district court of the United States or any authorized deputy clerk;

“(b) ‘chief judge’ shall mean the chief judge of any district court of the United States;

“(c) ‘voter registration lists’ shall mean the official records maintained by State or local election officials of persons registered to vote in either the most recent State or the most recent Federal general election, or, in the case of a State or political subdivision thereof that does not require registration as a prerequisite to voting, other official lists of persons qualified to vote in such election. The term shall also include the list of eligible voters maintained by any Federal examiner pursuant to the Voting Rights Act of 1965 where the names on such list have not been included on the official registration lists or other official lists maintained by the appropriate State or local officials. With respect to the districts of Guam and the Virgin Islands, ‘voter registration lists’ shall mean the official records maintained by territorial election officials of persons registered to vote in the most recent territorial general election;

79 Stat. 437.
42 USC 1973
note.

“(d) ‘lists of actual voters’ shall mean the official lists of persons actually voting in either the most recent State or the most recent Federal general election;

“(e) ‘division’ shall mean: (1) one or more statutory divisions of a judicial district; or (2) in statutory divisions that contain more than one place of holding court, or in judicial districts where there are no statutory divisions, such counties, parishes, or similar political subdivisions surrounding the places where court is held as the district court plan shall determine: *Provided*, That each county, parish, or similar political subdivision shall be included in some such division;

“(f) ‘district court of the United States’, ‘district court’, and ‘court’ shall mean courts constituted under chapter 5 of title 28, United States Code, section 22 of the Organic Act of Guam, as amended (64 Stat. 389; 48 U.S.C. 1424), section 21 of the Revised Organic Act of the Virgin Islands (68 Stat. 506; 48 U.S.C. 1611), and section 1 of title 3, Canal Zone Code: *Provided*, That for purposes of sections 1861, 1862, 1866 (c) and (d), and 1867 of this chapter, these terms shall include the District of Columbia Court of General Sessions and the Juvenile Court of the District of Columbia;

62 Stat. 872.
28 USC 81-144.

“(g) ‘jury wheel’ shall include any device or system similar in purpose or function, such as a properly programed electronic data processing system or device;

76A Stat. 51.

“(h) ‘juror qualification form’ shall mean a form prescribed by the Administrative Office of the United States Courts and approved by the Judicial Conference of the United States, which shall elicit the name, address, age, education, length of residence within the judicial district, distance from residence to place of holding court, prior jury service, and citizenship of a potential juror, and whether he should be excused or exempted from jury service, has any physical or mental infirmity impairing his capacity to serve as juror, is able to read, write, speak and understand the English language, has pending against him any charge for the commission of a State or Federal criminal offense punishable by imprisonment for more than one year, or has been convicted in

any State or Federal court of record of a crime punishable by imprisonment for more than one year and has not had his civil rights restored by pardon or amnesty. The form shall request, but not require, the race and occupation of a potential juror and any other matter not inconsistent with the provisions of this title and required by the district court plan in the interests of the sound administration of justice. The form also shall elicit the sworn statement that his responses are true to the best of his knowledge. Notarization shall not be required. The form shall contain words clearly informing the person that the furnishing of any information with respect to his race, color, religion, national origin, economic status, or occupation is not a prerequisite to his qualification for jury service, and that such information need not be furnished if the person finds it objectionable to do so;

“(i) ‘public officer’ shall mean a person who is either elected to public office or who is directly appointed by a person elected to public office.”

FEEES

79 Stat. 645.

SEC. 102. (a) Section 1871 of title 28, United States Code, is amended by substituting “\$20” for “\$10” and “\$25” for “\$14” in the second paragraph, “\$16” for “\$10” in the third paragraph, and “\$20” for “\$10” in the fourth paragraph, and by substituting in the third paragraph “10 cents per mile, plus the amount expended for tolls, for toll roads, for toll tunnels, and for toll bridges” for “10 cents per mile” in the two instances such language occurs, and by adding at the end of that section a new paragraph as follows:

“Grand and petit jurors in the district courts for the districts of Guam and the Canal Zone shall receive the same fees and allowances provided in this section for grand and petit jurors in other district courts of the United States.”

70 Stat. 798.

(b) Section 1821 of title 28, United States Code, is amended by substituting “\$20” for “\$4”, “10 cents” for “8 cents”, and “\$16” for “\$8”, and by adding at the end of that section a new paragraph as follows:

“Witnesses in the district courts for the districts of Canal Zone, Guam, and the Virgin Islands shall receive the same fees and allowances provided in this section for witnesses in other district courts of the United States.”

AMENDMENT AND REPEAL

77 Stat. 517,
505.

SEC. 103. (a) Sections 13-701, 11-2301 through 11-2305 (except the last paragraph of section 11-2302), 11-2307 through 11-2312 of the District of Columbia Code, and section 2 of the Act entitled “An Act to increase the fee of jurors in condemnation proceedings instituted by the District of Columbia”, approved July 30, 1951 (D.C. Code, sec. 7-213a), are repealed.

65 Stat. 126.

77 Stat. 507.

(b) Section 11-2306 of the District of Columbia Code is amended to read as follows:

“§ 11-2306. Manner of drawing

“(a) If the United States attorney for the District of Columbia certifies in writing to the chief judge of the district court, or, in his absence, to the presiding judge, that the exigencies of the public service require it, the judge may, in his discretion, order an additional grand jury summoned, which shall be drawn at such time as he designates. Unless sooner discharged by order of the chief judge, or, in his absence, the presiding judge, the additional grand jury shall serve until the end of the term in and for which it is drawn.

“(b) The jury commission for the United States District Court for the District of Columbia shall draw from the qualified jury wheel from time to time as may be required the names of persons to serve as jurors in the District of Columbia Court of General Sessions and the juvenile court of the District of Columbia, and such persons shall be assigned to jury panels in the Court of General Sessions and the juvenile court as those courts shall direct.”

(c) Section 1608(j) of the Act entitled “An Act to establish a code of law for the District of Columbia”, approved March 3, 1901 (D.C. Code, sec. 7-318), is amended by deleting the following: “and five dollars per day for each juror for the services of each when actually employed”.

33 Stat. 736.

(d) Section 16-1312 of the District of Columbia Code is amended by substituting “section 1865 of title 28, United States Code” for “Section 11-2301, and who, in addition, are owners of real property in the District” in subsection (a) (1), and by substituting “chapter 121 of title 28, United States Code” for “chapter 23 of title 11” in subsection (c).

77 Stat. 572.

(e) Section 16-1357 of the District of Columbia Code is amended by striking out the phrase “are real property owners in the District and”.

(f) Section 213 of the Act entitled “An Act to establish a code of law for the District of Columbia”, approved March 3, 1901 (D.C. Code, sec. 22-1414), is amended by inserting the words “or wheel” immediately following the word “box” each time it appears therein.

41 Stat. 560.

(g) Section 44 of the Act of March 2, 1917, to provide a civil government for Puerto Rico (39 Stat. 966; 48 U.S.C. 867) and sections 471 and 472(b) of title 3, sections 452, 453, and 2562(a) of title 5, and sections 4093 through 4106 and 4108 through 4117 of title 6, Canal Zone Code, are repealed. Subsection (b) of section 2562 of title 5, Canal Zone Code, is redesignated as subsection (a) and amended by substituting “\$10” for “\$2” and “section 1821, title 28, United States Code” for “subsection (a) of this section”. Subsections (c) and (d) of section 2562 of title 5, Canal Zone Code, are redesignated as subsections (b) and (c) thereof.

Repeals.

76A Stat. 69,
308, 373, 516.

EFFECTIVE DATE

SEC. 104. This Act shall become effective two hundred and seventy days after the date of enactment: *Provided*, That this Act shall not apply in any case in which an indictment has been returned or petit jury empaneled prior to such effective date.

Approved March 27, 1968.

(1) for the balance of calendar year 1968 and during calendar year 1969, at the prior monthly rate;

(2) during the calendar year 1970, at the rate for the next \$100 annual income limitation higher than the maximum annual income limitation corresponding to the prior monthly rate; and

(3) during each successive calendar year, at the rate for the next \$100 annual income limitation higher than the one applied for the preceding year, until the rate corresponding to actual countable income is reached.

(b) Subsection (a) shall not apply for any period during which annual income of such person, exclusive of an increase in monthly insurance benefits provided by the Social Security Amendments of 1967, exceeds the amount of annual income upon which was based the pension or dependency and indemnity compensation payable to the person immediately prior to receipt of the increase.

81 Stat. 821.
42 USC 302
note.

Limitations in-
crease.

73 Stat. 436.
38 USC 521
note.

72 Stat. 1227;
76 Stat. 949;
80 Stat. 1159.

Effective dates.

SEC. 4. The annual income limitations governing payment of pension under the first sentence of section 9(b) of the Veterans' Pension Act of 1959 hereafter shall be \$1,600 and \$2,900, instead of \$1,400 and \$2,700, respectively.

SEC. 5. Paragraph (4) of section 3012(b) of title 38, United States Code, is amended to read as follows:

"(4) by reason of change in income or corpus of estate shall be the last day of the calendar year in which the change occurred;"

SEC. 6. (a) The first section and sections 2 and 4 of this Act shall take effect on January 1, 1969.

(b) Sections 3 and 5 of this Act shall take effect on the first day of the first calendar month following the month of initial payment of increases in monthly insurance benefits provided by the Social Security Amendments of 1967.

Approved March 28, 1968.

Public Law 90-276

March 28, 1968
[S. 793]

AN ACT

To provide for the conveyance of certain real property of the United States to the Alabama Space Science Exhibit Commission.

Alabama Space
Science Exhibit
Commission.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to section 3 of this Act, the Secretary of the Army is authorized to convey without monetary consideration to the Alabama Space Science Exhibit Commission (an agency of the State of Alabama) all right, title, and interest of the United States in and to the real property described in section 2 of this Act for use as a permanent site for the Alabama Space Science Exhibit.

SEC. 2. The real property referred to in the first section of this Act is generally described as follows:

A certain tract or parcel of land containing 35.69 acres, more or less, lying and being in the northwest portion of Redstone Arsenal, in the north half of section 8, township 4 south, range 1 west, Huntsville meridian, Madison County, Alabama, lying south of the centerline of Bob Wallace Avenue, southeasterly of the southern right-of-way line of Alabama Highway 20, and northerly of a TVA power transmission line. The exact description of which is to be determined by an accurate survey and approved by the Secretary of the Army.

SEC. 3. The conveyance provided for by the first section of this Act shall be subject to the condition that the real property so conveyed

shall be used by the State of Alabama as a permanent site for an Alabama Space Science Exhibit to display suitable public exhibits of United States weaponry and allied subjects, developments of the National Aeronautics and Space Administration, and space-oriented exhibits of other United States Government departments, agencies, and instrumentalities and if such property is not used for such purpose, all right, title, and interest in and to such real property shall revert to the United States, which shall have the right of immediate entry thereon, and to such other conditions as the Secretary of the Army may prescribe to protect the interest of the United States.

Approved March 28, 1968.

Public Law 90-277

JOINT RESOLUTION

March 29, 1968

[S. J. Res. 72]

To provide for the designation of the second week of May of 1968 as "National School Safety Patrol Week".

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second week of May of 1968 is hereby designated as "National School Safety Patrol Week" and the President is requested to issue a proclamation calling upon all people of the United States for the observance of such a week with appropriate proceedings and ceremonies.

National School
Safety Patrol
Week.
Proclamation.

Approved March 29, 1968.

Public Law 90-278

AN ACT

March 30, 1968

[S. 2336]

To determine the respective rights and interests of the Confederated Tribes of the Colville Reservation and the Yakima Tribes of Indians of the Yakima Reservation and their constituent tribal groups in and to a judgment fund on deposit in the Treasury of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Confederated Tribes of the Colville Reservation, acting through the chairman of its business council, and the Yakima Tribes of Indians of the Yakima Reservation, acting through the chairman of its tribal council, for and on behalf of said tribes and each and all their constituent tribal groups, are each hereby authorized to commence or defend in the United States Court of Claims an action against each other making claims to a share in the funds that are on deposit in the Treasury of the United States to pay a judgment of the Indian Claims Commission dated April 5, 1965, in dockets numbered 161, 222, and 224, and the interest on said funds; and jurisdiction is hereby conferred upon said court to hear such claims and to render judgment and decree thereon making such division of such funds and the interest on such funds, as may be just and fair in law and equity, between the Confederated Tribes of the Colville Reservation and its constituent tribal groups on the one hand, and the Yakima Tribes of Indians of the Yakima Reservation and its constituent tribal groups on the other hand.

Indians.
Judgment fund
rights.

SEC. 2. Any part of such funds that may be distributed per capita to the members of the tribes shall not be subject to Federal or State income tax.

Tax exemptions.

Approved March 30, 1968.

Public Law 90-279

March 30, 1968
[H. R. 536]

AN ACT

To convey certain Chilocco Indian School lands at Chilocco, Oklahoma, to the Cherokee Nation.

Chilocco Indian
School lands,
Okla.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the right, title, and interest of the United States in 2,667.94 acres, more or less, of the following described land, which has been determined to be surplus to the needs of the Chilocco Indian School, are hereby conveyed to the Cherokee Nation upon payment therefor at the rate of \$3.75 per acre, the original cost of the land:

INDIAN MERIDIAN

TOWNSHIP 29 NORTH, RANGE 2 EAST

Section 13, lots 1, 2, 5, 6, and 7, southwest quarter northeast quarter, west half southeast quarter; and the parts of lot 3, southeast quarter northwest quarter, and east half southwest quarter lying east of the east right-of-way line of the Atchison, Topeka and Santa Fe Railroad, 339.53 acres.

Section 16, lots 3 and 4, south half northwest quarter, and southwest quarter, 313.85 acres.

Section 17, lots 1 and 2 (except that part described as "Beginning at a point 39 rods south of the northeast corner of the northeast quarter section 17; township 29 north, range 2 east, Indian meridian; thence 24 rods south, thence $33\frac{1}{3}$ rods west, thence 24 rods north, thence $33\frac{1}{3}$ rods east to point of beginning, containing 5 acres"), lots 5 to 7, inclusive, southeast quarter northeast quarter, and east half southeast quarter, 313.62 acres.

Section 20, lots 1 and 2 and east half northeast quarter (except that part described as "Beginning at a point 67 rods north of southeast corner of the northeast quarter section 20, township 29 north, range 2 east, Indian meridian, thence north 20 rods, thence west 50 rods, thence south 10 rods, thence east 20 rods, thence south 10 rods, thence east 30 rods to point of beginning, containing 5 acres"), lots 3 and 4, and east half southeast quarter, 316.36 acres.

Section 21, those parts of the northwest quarter and southwest quarter lying west of the west right-of-way line of the S.L. & S.F. Railroad, 150.26 acres.

Section 24, lots 1 to 4, inclusive, west half northeast quarter, west half southeast quarter, and those parts of the east half northwest quarter and southwest quarter lying east of the east right-of-way line of the Atchison, Topeka and Santa Fe Railroad, 398.39 acres.

Section 25, lots 1 to 7, inclusive, west half northeast quarter, northwest quarter southeast quarter, and those parts of the northwest quarter and north half southwest quarter lying east of the east right-of-way line of the Atchison, Topeka and Santa Fe Railroad, 583.25 acres.

Section 26, that part of lot 1 lying east of the east right-of-way line of the Atchison, Topeka and Santa Fe Railroad, 12.68 acres.

Section 29, north half southeast quarter and northeast quarter, 240.00 acres.

SEC. 2. The title of the Cherokee Nation to the land conveyed pursuant to this Act shall be subject to no exemption from taxation or restriction on use, management, or disposition because of Indian ownership.

SEC. 3. This conveyance is subject to existing rights-of-way for waterlines, electric transmission lines, roads, and railroads.

Rights-of-way.

SEC. 4. The Indian Claims Commission is directed to determine, in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act, less the payment of \$3.75 per acre as provided in section 1, should or should not be set off against any claim against the United States determined by the Commission.

Claim value,
determination.
25 USC 70a.

Approved March 30, 1968.

Public Law 90-280

AN ACT

Relating to Federal support of education of Indian students in sectarian institutions of higher education.

March 30, 1968
[S. 876]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following provision of section 21, Act of March 2, 1917 (39 Stat. 969, 988; 25 U.S.C. 278), is repealed: "And it is hereby declared to be the settled policy of the Government to hereafter make no appropriation whatever out of the Treasury of the United States for education of Indian children in any sectarian school."

Indians.
Student educa-
tion.

SEC. 2. Funds hereafter appropriated to the Secretary of the Interior for the education of Indian children shall not be used for the education of such children in elementary and secondary education programs in sectarian schools. This prohibition shall not apply to the education of Indians in accredited institutions of higher education and in other accredited schools offering vocational and technical training, but no scholarship aid provided for an Indian student shall require him to attend an institution or school that is not of his own free choice, and such aid shall be, to the extent consistent with sound administration, extended to the student individually rather than to the institution or school.

Approved March 30, 1968.

Public Law 90-281

JOINT RESOLUTION

To proclaim National Jewish Hospital Save Your Breath Month.

April 5, 1968
[H. J. Res. 933]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in response to the growing national concern occasioned by the increase of chronic respiratory disease and in recognition of the accomplishments of medical science in the detection and control of such disease, the President of the United States is hereby authorized and requested to issue a proclamation (1) designating April 1968 as National Jewish Hospital Save Your Breath Month, and (2) emphasizing the major public health problem presented by chronic respiratory disease, and calling upon the people of the United States to observe appropriate medical safeguards for their own respiratory health and that of their families.

National Jewish
Hospital Save
Your Breath
Month.
Proclamation.

Approved April 5, 1968.

Public Law 90-282

April 5, 1968
[H. R. 1308]

AN ACT

To establish the Saugus Iron Works National Historic Site in the State of Massachusetts, and for other purposes.

Saugus Iron
Works National
Historic Site,
Mass.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve in public ownership the first sustained integrated ironworks in the Thirteen Colonies, the Secretary of the Interior may acquire by donation, purchase with donated or appropriated funds, or otherwise, lands and interests in lands within the boundaries of the area generally depicted on drawing numbered NHS-SI-7100B, entitled "Proposed Saugus Iron Works National Historic Site", dated May 1967, which is on file in the Department of the Interior. The property acquired pursuant to this section shall be known as the Saugus Iron Works National Historic Site.

Administration.

SEC. 2. The Secretary shall administer the Saugus Iron Works National Historic Site in accordance with the Act approved August 25, 1916 (39 Stat. 535), as amended and supplemented, and the Act approved August 21, 1935 (49 Stat. 666).

16 USC 1.

16 USC 461-467.

Appropriation.

SEC. 3. There are authorized to be appropriated \$400,000 to carry out the purposes of this Act.

Approved April 5, 1968.

Public Law 90-283

April 10, 1968
[S. 2029]

AN ACT

To amend the National Traffic and Motor Vehicle Safety Act of 1966 relating to the application of certain standards to motor vehicles produced in quantities of less than five hundred.

Motor vehicles.
Safety stand-
ards exemption.
80 Stat. 718.
15 USC 1391-
1409.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title I of the National Traffic and Motor Vehicle Safety Act of 1966 is amended by adding at the end thereof the following new section:

"SEC. 123. (a) Upon application made by a manufacturer at such time, in such manner, and containing such information as the Secretary shall prescribe, he shall temporarily exempt a limited production motor vehicle from any motor vehicle safety standard established under this title if he finds that compliance would cause such manufacturer substantial economic hardship or that such temporary exemption would facilitate the development of vehicles utilizing a propulsion system other than or supplementing an internal combustion engine and that such temporary exemption would be consistent with the public interest and the objectives of this Act.

"(b) The Secretary shall require, in such manner as he deems appropriate, the notification of the dealer and of the first purchaser of a limited production motor vehicle (not including the dealer of such manufacturer) that such vehicle has been exempted from certain motor vehicle safety standards, and the standards from which it is exempted.

"(c) For the purposes of this section 'limited production motor vehicle' means a motor vehicle, produced by a manufacturer whose total motor vehicle production, as determined by the Secretary, does not exceed five hundred annually.

"(d) The authority of the Secretary under this section shall terminate three years after the date of enactment of this section, and no

"Limited pro-
duction motor
vehicle."

exemption granted under this section shall remain in effect after three years after the date such exemption is originally granted.”

Approved April 10, 1968.

Public Law 90-284

AN ACT

April 11, 1968
[H. R. 2516]

To prescribe penalties for certain acts of violence or intimidation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Civil rights.

TITLE I—INTERFERENCE WITH FEDERALLY
PROTECTED ACTIVITIES

SEC. 101. (a) That chapter 13, civil rights, title 18, United States Code, is amended by inserting immediately at the end thereof the following new section, to read as follows:

62 Stat. 696.
18 USC 241-244.

“§ 245. Federally protected activities

“(a) (1) Nothing in this section shall be construed as indicating an intent on the part of Congress to prevent any State, any possession or Commonwealth of the United States, or the District of Columbia, from exercising jurisdiction over any offense over which it would have jurisdiction in the absence of this section, nor shall anything in this section be construed as depriving State and local law enforcement authorities of responsibility for prosecuting acts that may be violations of this section and that are violations of State and local law. No prosecution of any offense described in this section shall be undertaken by the United States except upon the certification in writing of the Attorney General or the Deputy Attorney General that in his judgment a prosecution by the United States is in the public interest and necessary to secure substantial justice, which function of certification may not be delegated.

“(2) Nothing in this subsection shall be construed to limit the authority of Federal officers, or a Federal grand jury, to investigate possible violations of this section.

“(b) Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with—

“(1) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from—

“(A) voting or qualifying to vote, qualifying or campaigning as a candidate for elective office, or qualifying or acting as a poll watcher, or any legally authorized election official, in any primary, special, or general election;

“(B) participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered by the United States;

“(C) applying for or enjoying employment, or any perquisite thereof, by any agency of the United States;

“(D) serving, or attending upon any court in connection with possible service, as a grand or petit juror in any court of the United States;

“(E) participating in or enjoying the benefits of any program or activity receiving Federal financial assistance; or

“(2) any person because of his race, color, religion or national origin and because he is or has been—

“(A) enrolling in or attending any public school or public college;

“(B) participating in or enjoying any benefit, service, privilege, program, facility or activity provided or administered by any State or subdivision thereof;

“(C) applying for or enjoying employment, or any perquisite thereof, by any private employer or any agency of any State or subdivision thereof, or joining or using the services or advantages of any labor organization, hiring hall, or employment agency;

“(D) serving, or attending upon any court of any State in connection with possible service, as a grand or petit juror;

“(E) traveling in or using any facility of interstate commerce, or using any vehicle, terminal, or facility of any common carrier by motor, rail, water, or air;

“(F) enjoying the goods, services, facilities, privileges, advantages, or accommodations of any inn, hotel, motel, or other establishment which provides lodging to transient guests, or of any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility which serves the public and which is principally engaged in selling food or beverages for consumption on the premises, or of any gasoline station, or of any motion picture house, theater, concert hall, sports arena, stadium, or any other place of exhibition or entertainment which serves the public, or of any other establishment which serves the public and (i) which is located within the premises of any of the aforesaid establishments or within the premises of which is physically located any of the aforesaid establishments, and (ii) which holds itself out as serving patrons of such establishments; or

“(3) during or incident to a riot or civil disorder, any person engaged in a business in commerce or affecting commerce, including, but not limited to, any person engaged in a business which sells or offers for sale to interstate travelers a substantial portion of the articles, commodities, or services which it sells or where a substantial portion of the articles or commodities which it sells or offers for sale have moved in commerce; or

“(4) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from—

“(A) participating, without discrimination on account of race, color, religion or national origin, in any of the benefits or activities described in subparagraphs (1)(A) through (1)(E) or subparagraphs (2)(A) through (2)(F); or

“(B) affording another person or class of persons opportunity or protection to so participate; or

“(5) any citizen because he is or has been, or in order to intimidate such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion or national origin, in any of the benefits or activities described in subparagraphs (1)(A) through (1)(E) or subparagraphs (2)(A) through (2)(F), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate—

Penalty.

shall be fined not more than \$1,000, or imprisoned not more than one year, or both; and if bodily injury results shall be fined not more than \$10,000, or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life. As used in this section, the term ‘participating lawfully in speech or peaceful assembly’ shall not mean the aiding, abetting, or inciting of

“Participating lawfully in speech or peaceful assembly.”

other persons to riot or to commit any act of physical violence upon any individual or against any real or personal property in furtherance of a riot. Nothing in subparagraph (2) (F) or (4) (A) of this subsection shall apply to the proprietor of any establishment which provides lodging to transient guests, or to any employee acting on behalf of such proprietor, with respect to the enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of such establishment if such establishment is located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor as his residence.

“(c) Nothing in this section shall be construed so as to deter any law enforcement officer from lawfully carrying out the duties of his office; and no law enforcement officer shall be considered to be in violation of this section for lawfully carrying out the duties of his office or lawfully enforcing ordinances and laws of the United States, the District of Columbia, any of the several States, or any political subdivision of a State. For purposes of the preceding sentence, the term ‘law enforcement officer’ means any officer of the United States, the District of Columbia, a State, or political subdivision of a State, who is empowered by law to conduct investigations of, or make arrests because of, offenses against the United States, the District of Columbia, a State, or a political subdivision of a State.”

“Law enforcement officer.”

(b) Nothing contained in this section shall apply to or affect activities under title VIII of this Act.

Post, p. 81.

(c) The provisions of this section shall not apply to acts or omissions on the part of law enforcement officers, members of the National Guard, as defined in section 101(9) of title 10, United States Code, members of the organized militia of any State or the District of Columbia, not covered by such section 101(9), or members of the Armed Forces of the United States, who are engaged in suppressing a riot or civil disturbance or restoring law and order during a riot or civil disturbance.

70A Stat. 4.

SEC. 102. The analysis of chapter 13 of title 18 of the United States Code is amended by adding at the end thereof the following:

“245. Federally protected activities.”

SEC. 103. (a) Section 241 of title 18, United States Code, is amended by striking out the final paragraph thereof and substituting the following:

Penalties.
Conspiracy
against rights of
citizens.
62 Stat. 696.

“They shall be fined not more than \$10,000 or imprisoned not more than ten years, or both; and if death results, they shall be subject to imprisonment for any term of years or for life.”

(b) Section 242 of title 18, United States Code, is amended by striking out the period at the end thereof and adding the following: “; and if death results shall be subject to imprisonment for any term of years or for life.”

Deprivation of
rights.

(c) Subsections (a) and (c) of section 12 of the Voting Rights Act of 1965 (79 Stat. 443, 444) are amended by striking out the words “or (b)” following the words “11(a)”.

42 USC 1973j.

SEC. 104. (a) Title 18 of the United States Code is amended by inserting, immediately after chapter 101 thereof, the following new chapter:

62 Stat. 795.
18 USC 2071-
2076.

“Chapter 102.—RIOTS

“Sec.

“2101. Riots.

“2102. Definitions.

“§ 2101. Riots

“(a) (1) Whoever travels in interstate or foreign commerce or uses any facility of interstate or foreign commerce, including, but not limited to, the mail, telegraph, telephone, radio, or television, with intent—

“(A) to incite a riot; or

“(B) to organize, promote, encourage, participate in, or carry on a riot; or

“(C) to commit any act of violence in furtherance of a riot; or

“(D) to aid or abet any person in inciting or participating in or carrying on a riot or committing any act of violence in furtherance of a riot;

and who either during the course of any such travel or use or thereafter performs or attempts to perform any other overt act for any purpose specified in subparagraph (A), (B), (C), or (D) of this paragraph—

Penalty.

“Shall be fined not more than \$10,000, or imprisoned not more than five years, or both.

“(b) In any prosecution under this section, proof that a defendant engaged or attempted to engage in one or more of the overt acts described in subparagraph (A), (B), (C), or (D) of paragraph (1) of subsection (a) and (1) has traveled in interstate or foreign commerce, or (2) has use of or used any facility of interstate or foreign commerce, including but not limited to, mail, telegraph, telephone, radio, or television, to communicate with or broadcast to any person or group of persons prior to such overt acts, such travel or use shall be admissible proof to establish that such defendant traveled in or used such facility of interstate or foreign commerce.

“(c) A judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any prosecution hereunder for the same act or acts.

Prosecution
proceedings.

“(d) Whenever, in the opinion of the Attorney General or of the appropriate officer of the Department of Justice charged by law or under the instructions of the Attorney General with authority to act, any person shall have violated this chapter, the Department shall proceed as speedily as possible with a prosecution of such person hereunder and with any appeal which may lie from any decision adverse to the Government resulting from such prosecution; or in the alternative shall report in writing, to the respective Houses of the Congress, the Department's reason for not so proceeding.

Report to
Congress.

“(e) Nothing contained in this section shall be construed to make it unlawful for any person to travel in, or use any facility of, interstate or foreign commerce for the purpose of pursuing the legitimate objectives of organized labor, through orderly and lawful means.

“(f) Nothing in this section shall be construed as indicating an intent on the part of Congress to prevent any State, any possession or Commonwealth of the United States, or the District of Columbia, from exercising jurisdiction over any offense over which it would have jurisdiction in the absence of this section; nor shall anything in this section be construed as depriving State and local law enforcement authorities of responsibility for prosecuting acts that may be violations of this section and that are violations of State and local law.

“§ 2102. Definitions

“(a) As used in this chapter, the term ‘riot’ means a public disturbance involving (1) an act or acts of violence by one or more persons part of an assemblage of three or more persons, which act or acts shall constitute a clear and present danger of, or shall result in, damage or injury to the property of any other person or to the person of any other individual or (2) a threat or threats of the commission of an act or acts of violence by one or more persons part of an assemblage of three or more persons having, individually or collectively, the ability of immediate execution of such threat or threats, where the performance of the threatened act or acts of violence would constitute a clear and present danger of, or would result in, damage or injury to the property of any other person or to the person of any other individual.

“(b) As used in this chapter, the term ‘to incite a riot’, or ‘to organize, promote, encourage, participate in, or carry on a riot’, includes, but is not limited to, urging or instigating other persons to riot, but shall not be deemed to mean the mere oral or written (1) advocacy of ideas or (2) expression of belief, not involving advocacy of any act or acts of violence or assertion of the rightness of, or the right to commit, any such act or acts.”

(b) The table of contents to “PART I.—CRIMES” of title 18, United States Code, is amended by inserting after the following chapter reference:

62 Stat. 684.

“101. Records and reports..... 2071”

a new chapter reference as follows:

“102. Riots 2101”.

TITLE II—RIGHTS OF INDIANS

DEFINITIONS

SEC. 201. For purposes of this title, the term—

(1) “Indian tribe” means any tribe, band, or other group of Indians subject to the jurisdiction of the United States and recognized as possessing powers of self-government;

(2) “powers of self-government” means and includes all governmental powers possessed by an Indian tribe, executive, legislative, and judicial, and all offices, bodies, and tribunals by and through which they are executed, including courts of Indian offenses; and

(3) “Indian court” means any Indian tribal court or court of Indian offense.

INDIAN RIGHTS

SEC. 202. No Indian tribe in exercising powers of self-government shall—

(1) make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances;

(2) violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;

(3) subject any person for the same offense to be twice put in jeopardy;

(4) compel any person in any criminal case to be a witness against himself;

(5) take any private property for a public use without just compensation;

(6) deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense to have the assistance of counsel for his defense;

(7) require excessive bail, impose excessive fines, inflict cruel and unusual punishments, and in no event impose for conviction of any one offense any penalty or punishment greater than imprisonment for a term of six months or a fine of \$500, or both;

Penalty, limitation.

(8) deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;

- (9) pass any bill of attainder or ex post facto law; or
- (10) deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six persons.

HABEAS CORPUS

SEC. 203. The privilege of the writ of habeas corpus shall be available to any person, in a court of the United States, to test the legality of his detention by order of an Indian tribe.

TITLE III—MODEL CODE GOVERNING COURTS OF INDIAN OFFENSES

Recommendations to Congress.

SEC. 301. The Secretary of the Interior is authorized and directed to recommend to the Congress, on or before July 1, 1968, a model code to govern the administration of justice by courts of Indian offenses on Indian reservations. Such code shall include provisions which will (1) assure that any individual being tried for an offense by a court of Indian offenses shall have the same rights, privileges, and immunities under the United States Constitution as would be guaranteed any citizen of the United States being tried in a Federal court for any similar offense, (2) assure that any individual being tried for an offense by a court of Indian offenses will be advised and made aware of his rights under the United States Constitution, and under any tribal constitution applicable to such individual, (3) establish proper qualifications for the office of judge of the court of Indian offenses, and (4) provide for the establishing of educational classes for the training of judges of courts of Indian offenses. In carrying out the provisions of this title, the Secretary of the Interior shall consult with the Indians, Indian tribes, and interested agencies of the United States.

SEC. 302. There is hereby authorized to be appropriated such sum as may be necessary to carry out the provisions of this title.

TITLE IV—JURISDICTION OVER CRIMINAL AND CIVIL ACTIONS

ASSUMPTION BY STATE

SEC. 401. (a) The consent of the United States is hereby given to any State not having jurisdiction over criminal offenses committed by or against Indians in the areas of Indian country situated within such State to assume, with the consent of the Indian tribe occupying the particular Indian country or part thereof which could be affected by such assumption, such measure of jurisdiction over any or all of such offenses committed within such Indian country or any part thereof as may be determined by such State to the same extent that such State has jurisdiction over any such offense committed elsewhere within the State, and the criminal laws of such State shall have the same force and effect within such Indian country or part thereof as they have elsewhere within that State.

(b) Nothing in this section shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or any Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or shall authorize regulation of the use of such property in a manner inconsistent with any Federal treaty, agreement, or statute or with any regulation made pursuant thereto; or shall deprive any Indian or any Indian tribe, band, or community of any right, privilege, or immunity

afforded under Federal treaty, agreement, or statute with respect to hunting, trapping, or fishing or the control, licensing, or regulation thereof.

ASSUMPTION BY STATE OF CIVIL JURISDICTION

SEC. 402. (a) The consent of the United States is hereby given to any State not having jurisdiction over civil causes of action between Indians or to which Indians are parties which arise in the areas of Indian country situated within such State to assume, with the consent of the tribe occupying the particular Indian country or part thereof which would be affected by such assumption, such measure of jurisdiction over any or all such civil causes of action arising within such Indian country or any part thereof as may be determined by such State to the same extent that such State has jurisdiction over other civil causes of action, and those civil laws of such State that are of general application to private persons or private property shall have the same force and effect within such Indian country or part thereof as they have elsewhere within that State.

(b) Nothing in this section shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or any Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or shall authorize regulation of the use of such property in a manner inconsistent with any Federal treaty, agreement, or statute, or with any regulation made pursuant thereto; or shall confer jurisdiction upon the State to adjudicate, in probate proceedings or otherwise, the ownership or right to possession of such property or any interest therein.

(c) Any tribal ordinance or custom heretofore or hereafter adopted by an Indian tribe, band, or community in the exercise of any authority which it may possess shall, if not inconsistent with any applicable civil law of the State, be given full force and effect in the determination of civil causes of action pursuant to this section.

RETROCESSION OF JURISDICTION BY STATE

SEC. 403. (a) The United States is authorized to accept a retrocession by any State of all or any measure of the criminal or civil jurisdiction, or both, acquired by such State pursuant to the provisions of section 1162 of title 18 of the United States Code, section 1360 of title 28 of the United States Code, or section 7 of the Act of August 15, 1953 (67 Stat. 588), as it was in effect prior to its repeal by subsection (b) of this section.

28 USC 1360
note.

(b) Section 7 of the Act of August 15, 1953 (67 Stat. 588), is hereby repealed, but such repeal shall not affect any cession of jurisdiction made pursuant to such section prior to its repeal.

Repeal.

CONSENT TO AMEND STATE LAWS

SEC. 404. Notwithstanding the provisions of any enabling Act for the admission of a State, the consent of the United States is hereby given to the people of any State to amend, where necessary, their State constitution or existing statutes, as the case may be, to remove any legal impediment to the assumption of civil or criminal jurisdiction in accordance with the provisions of this title. The provisions of this title shall not become effective with respect to such assumption of jurisdiction by any such State until the people thereof have appropriately amended their State constitution or statutes, as the case may be.

ACTIONS NOT TO ABATE

SEC. 405. (a) No action or proceeding pending before any court or agency of the United States immediately prior to any cession of jurisdiction by the United States pursuant to this title shall abate by reason of that cession. For the purposes of any such action or proceeding, such cession shall take effect on the day following the date of final determination of such action or proceeding.

(b) No cession made by the United States under this title shall deprive any court of the United States of jurisdiction to hear, determine, render judgment, or impose sentence in any criminal action instituted against any person for any offense committed before the effective date of such cession, if the offense charged in such action was cognizable under any law of the United States at the time of the commission of such offense. For the purposes of any such criminal action, such cession shall take effect on the day following the date of final determination of such action.

SPECIAL ELECTION

SEC. 406. State jurisdiction acquired pursuant to this title with respect to criminal offenses or civil causes of action, or with respect to both, shall be applicable in Indian country only where the enrolled Indians within the affected area of such Indian country accept such jurisdiction by a majority vote of the adult Indians voting at a special election held for that purpose. The Secretary of the Interior shall call such special election under such rules and regulations as he may prescribe, when requested to do so by the tribal council or other governing body, or by 20 per centum of such enrolled adults.

TITLE V—OFFENSES WITHIN INDIAN COUNTRY

AMENDMENT

80 Stat. 1100.

SEC. 501. Section 1153 of title 18 of the United States Code is amended by inserting immediately after "weapon," the following: "assault resulting in serious bodily injury,".

TITLE VI—EMPLOYMENT OF LEGAL COUNSEL

APPROVAL

SEC. 601. Notwithstanding any other provision of law, if any application made by an Indian, Indian tribe, Indian council, or any band or group of Indians under any law requiring the approval of the Secretary of the Interior or the Commissioner of Indian Affairs of contracts or agreements relating to the employment of legal counsel (including the choice of counsel and the fixing of fees) by any such Indians, tribe, council, band, or group is neither granted nor denied within ninety days following the making of such application, such approval shall be deemed to have been granted.

TITLE VII—MATERIALS RELATING TO CONSTITUTIONAL RIGHTS OF INDIANS

SECRETARY OF INTERIOR TO PREPARE

SEC. 701. (a) In order that the constitutional rights of Indians might be fully protected, the Secretary of the Interior is authorized and directed to—

(1) have the document entitled "Indian Affairs, Laws and Treaties" (Senate Document Numbered 319, volumes 1 and 2, Fifty-eighth Congress), revised and extended to include all treaties, laws, Executive orders, and regulations relating to Indian affairs in force on September 1, 1967, and to have such revised document printed at the Government Printing Office;

(2) have revised and republished the treatise entitled "Federal Indian Law"; and

(3) have prepared, to the extent determined by the Secretary of the Interior to be feasible, an accurate compilation of the official opinions, published and unpublished, of the Solicitor of the Department of the Interior relating to Indian affairs rendered by the Solicitor prior to September 1, 1967, and to have such compilation printed as a Government publication at the Government Printing Office.

(b) With respect to the document entitled "Indian Affairs, Laws and Treaties" as revised and extended in accordance with paragraph (1) of subsection (a), and the compilation prepared in accordance with paragraph (3) of such subsection, the Secretary of the Interior shall take such action as may be necessary to keep such document and compilation current on an annual basis.

(c) There is authorized to be appropriated for carrying out the provisions of this title, with respect to the preparation but not including printing, such sum as may be necessary.

TITLE VIII—FAIR HOUSING

POLICY

SEC. 801. It is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States.

DEFINITIONS

SEC. 802. As used in this title—

(a) "Secretary" means the Secretary of Housing and Urban Development.

(b) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(c) "Family" includes a single individual.

(d) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

(e) "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

(f) "Discriminatory housing practice" means an act that is unlawful under section 804, 805, or 806.

(g) "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any of the territories and possessions of the United States.

EFFECTIVE DATES OF CERTAIN PROHIBITIONS

SEC. 803. (a) Subject to the provisions of subsection (b) and section 807, the prohibitions against discrimination in the sale or rental of housing set forth in section 804 shall apply:

(1) Upon enactment of this title, to—

(A) dwellings owned or operated by the Federal Government;

(B) dwellings provided in whole or in part with the aid of loans, advances, grants, or contributions made by the Federal Government, under agreements entered into after November 20, 1962, unless payment due thereon has been made in full prior to the date of enactment of this title;

(C) dwellings provided in whole or in part by loans insured, guaranteed, or otherwise secured by the credit of the Federal Government, under agreements entered into after November 20, 1962, unless payment thereon has been made in full prior to the date of enactment of this title: *Provided*, That nothing contained in subparagraphs (B) and (C) of this subsection shall be applicable to dwellings solely by virtue of the fact that they are subject to mortgages held by an FDIC or FSLIC institution; and

(D) dwellings provided by the development or the redevelopment of real property purchased, rented, or otherwise obtained from a State or local public agency receiving Federal financial assistance for slum clearance or urban renewal with respect to such real property under loan or grant contracts entered into after November 20, 1962.

(2) After December 31, 1968, to all dwellings covered by paragraph

(1) and to all other dwellings except as exempted by subsection (b).

(b) Nothing in section 804 (other than subsection (c)) shall apply to—

(1) any single-family house sold or rented by an owner: *Provided*, That such private individual owner does not own more than three such single-family houses at any one time: *Provided further*, That in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four month period: *Provided further*, That such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time: *Provided further*, That after December 31, 1969, the sale or rental of any such single-family house shall be excepted from the application of this title only if such house is sold or rented (A) without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person and (B) without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of section 804(c) of this title; but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title, or

FDIC or FSLIC
institution.

Exemptions.

(2) rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(c) For the purposes of subsection (b), a person shall be deemed to be in the business of selling or renting dwellings if—

(1) he has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or

(2) he has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or

(3) he is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING

SEC. 804. As made applicable by section 803 and except as exempted by sections 803(b) and 807, it shall be unlawful—

(a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, or national origin.

(b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, or national origin.

(c) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, or national origin, or an intention to make any such preference, limitation, or discrimination.

(d) To represent to any person because of race, color, religion, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, or national origin.

DISCRIMINATION IN THE FINANCING OF HOUSING

SEC. 805. After December 31, 1968, it shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, or national origin of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given: *Provided*, That nothing contained in this sec-

tion shall impair the scope or effectiveness of the exception contained in section 803(b).

DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES

SEC. 806. After December 31, 1968, it shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, or national origin.

EXEMPTION

SEC. 807. Nothing in this title shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this title prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

ADMINISTRATION

SEC. 808. (a) The authority and responsibility for administering this Act shall be in the Secretary of Housing and Urban Development.

(b) The Department of Housing and Urban Development shall be provided an additional Assistant Secretary. The Department of Housing and Urban Development Act (Public Law 89-174, 79 Stat. 667) is hereby amended by—

(1) striking the word "four," in section 4(a) of said Act (79 Stat. 668; 5 U.S.C. 624b(a)) and substituting therefor "five,"; and

(2) striking the word "six," in section 7 of said Act (79 Stat. 669; 5 U.S.C. 624(c)) and substituting therefor "seven."

(c) The Secretary may delegate any of his functions, duties, and powers to employees of the Department of Housing and Urban Development or to boards of such employees, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting, or otherwise acting as to any work, business, or matter under this title. The persons to whom such delegations are made with respect to hearing functions, duties, and powers shall be appointed and shall serve in the Department of Housing and Urban Development in compliance with sections 3105, 3344, 5362, and 7521 of title 5 of the United States Code. Insofar as possible, conciliation meetings shall be held in the cities or other localities where the discriminatory housing practices allegedly occurred. The Secretary shall by rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the Department, to boards of officers or to himself, as shall be appropriate and in accordance with law.

(d) All executive departments and agencies shall administer their programs and activities relating to housing and urban development

Authority and
responsibility.

Assistant
Secretary.

Post, p. 606.

42 USC 3533.

42 USC 3535.

Delegation of
authority.

80 Stat. 415,
528.

in a manner affirmatively to further the purposes of this title and shall cooperate with the Secretary to further such purposes.

(e) The Secretary of Housing and Urban Development shall—

(1) make studies with respect to the nature and extent of discriminatory housing practices in representative communities, urban, suburban, and rural, throughout the United States;

(2) publish and disseminate reports, recommendations, and information derived from such studies;

(3) cooperate with and render technical assistance to Federal, State, local, and other public or private agencies, organizations, and institutions which are formulating or carrying on programs to prevent or eliminate discriminatory housing practices;

(4) cooperate with and render such technical and other assistance to the Community Relations Service as may be appropriate to further its activities in preventing or eliminating discriminatory housing practices; and

(5) administer the programs and activities relating to housing and urban development in a manner affirmatively to further the policies of this title.

EDUCATION AND CONCILIATION

SEC. 809. Immediately after the enactment of this title the Secretary shall commence such educational and conciliatory activities as in his judgment will further the purposes of this title. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this title and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement. He may pay per diem, travel, and transportation expenses for persons attending such conferences as provided in section 5703 of title 5 of the United States Code. He shall consult with State and local officials and other interested parties to learn the extent, if any, to which housing discrimination exists in their State or locality, and whether and how State or local enforcement programs might be utilized to combat such discrimination in connection with or in place of, the Secretary's enforcement of this title. The Secretary shall issue reports on such conferences and consultations as he deems appropriate.

80 Stat. 499.

Reports on conferences.

ENFORCEMENT

SEC. 810. (a) Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irreversibly injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the Secretary. Complaints shall be in writing and shall contain such information and be in such form as the Secretary requires. Upon receipt of such a complaint the Secretary shall furnish a copy of the same to the person or persons who allegedly committed or are about to commit the alleged discriminatory housing practice. Within thirty days after receiving a complaint, or within thirty days after the expiration of any period of reference under subsection (c), the Secretary shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the Secretary decides to resolve the complaint, he shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a sub-

Complaints, procedure for filing.

Penalty.

sequent proceeding under this title without the written consent of the persons concerned. Any employee of the Secretary who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned not more than one year.

(b) A complaint under subsection (a) shall be filed within one hundred and eighty days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the Secretary, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

(c) Wherever a State or local fair housing law provides rights and remedies for alleged discriminatory housing practices which are substantially equivalent to the rights and remedies provided in this title, the Secretary shall notify the appropriate State or local agency of any complaint filed under this title which appears to constitute a violation of such State or local fair housing law, and the Secretary shall take no further action with respect to such complaint if the appropriate State or local law enforcement official has, within thirty days from the date the alleged offense has been brought to his attention, commenced proceedings in the matter, or, having done so, carries forward such proceedings with reasonable promptness. In no event shall the Secretary take further action unless he certifies that in his judgment, under the circumstances of the particular case, the protection of the rights of the parties or the interests of justice require such action.

Civil actions,
commencement.

(d) If within thirty days after a complaint is filed with the Secretary or within thirty days after expiration of any period of reference under subsection (c), the Secretary has been unable to obtain voluntary compliance with this title, the person aggrieved may, within thirty days thereafter, commence a civil action in any appropriate United States district court, against the respondent named in the complaint, to enforce the rights granted or protected by this title, insofar as such rights relate to the subject of the complaint: *Provided*, That no such civil action may be brought in any United States district court if the person aggrieved has a judicial remedy under a State or local fair housing law which provides rights and remedies for alleged discriminatory housing practices which are substantially equivalent to the rights and remedies provided in this title. Such actions may be brought without regard to the amount in controversy in any United States district court for the district in which the discriminatory housing practice is alleged to have occurred or be about to occur or in which the respondent resides or transacts business. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may, subject to the provisions of section 812, enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

(e) In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.

(f) Whenever an action filed by an individual, in either Federal or State court, pursuant to this section or section 812, shall come to trial the Secretary shall immediately terminate all efforts to obtain voluntary compliance.

INVESTIGATIONS; SUBPENAS; GIVING OF EVIDENCE

SEC. 811. (a) In conducting an investigation the Secretary shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation: *Provided, however,* That the Secretary first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The Secretary may issue subpoenas to compel his access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States district court for the district in which the investigation is taking place. The Secretary may administer oaths.

Records and documents, access.

Subpoenas.

(b) Upon written application to the Secretary, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the Secretary to the same extent and subject to the same limitations as subpoenas issued by the Secretary himself. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.

(c) Witnesses summoned by subpoena of the Secretary shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States district courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him.

Witnesses, compensation.

(d) Within five days after service of a subpoena upon any person, such person may petition the Secretary to revoke or modify the subpoena. The Secretary shall grant the petition if he finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

(e) In case of contumacy or refusal to obey a subpoena, the Secretary or other person at whose request it was issued may petition for its enforcement in the United States district court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(f) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpoena or lawful order of the Secretary, shall be fined not more than \$1,000 or imprisoned not more than one year, or both. Any person who, with intent thereby to mislead the Secretary, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the Secretary pursuant to his subpoena or other order, or shall willfully neglect or fail to make or cause to be made full, true, and correct entries in such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

Failure to testify, penalty.

(g) The Attorney General shall conduct all litigation in which the Secretary participates as a party or as amicus pursuant to this Act.

ENFORCEMENT BY PRIVATE PERSONS

SEC. 812. (a) The rights granted by sections 803, 804, 805, and 806 may be enforced by civil actions in appropriate United States district courts without regard to the amount in controversy and in appropriate State or local courts of general jurisdiction. A civil action shall be commenced within one hundred and eighty days after the alleged discriminatory housing practice occurred: *Provided, however,* That the court shall continue such civil case brought pursuant to this section or section 810(d) from time to time before bringing it to trial if the court believes that the conciliation efforts of the Secretary or a State or local agency are likely to result in satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the Secretary or to the local or State agency and which practice forms the basis for the action in court: *And provided, however,* That any sale, encumbrance, or rental consummated prior to the issuance of any court order issued under the authority of this Act, and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the existence of the filing of a complaint or civil action under the provisions of this Act shall not be affected.

Civil action
without fees, etc.

(b) Upon application by the plaintiff and in such circumstances as the court may deem just, a court of the United States in which a civil action under this section has been brought may appoint an attorney for the plaintiff and may authorize the commencement of a civil action upon proper showing without the payment of fees, costs, or security. A court of a State or subdivision thereof may do likewise to the extent not inconsistent with the law or procedures of the State or subdivision.

Damages, limitation.

(c) The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award to the plaintiff actual damages and not more than \$1,000 punitive damages, together with court costs and reasonable attorney fees in the case of a prevailing plaintiff: *Provided,* That the said plaintiff in the opinion of the court is not financially able to assume said attorney's fees.

ENFORCEMENT BY THE ATTORNEY GENERAL

SEC. 813. (a) Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights granted by this title, or that any group of persons has been denied any of the rights granted by this title and such denial raises an issue of general public importance, he may bring a civil action in any appropriate United States district court by filing with it a complaint setting forth the facts and requesting such preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order against the person or persons responsible for such pattern or practice or denial of rights, as he deems necessary to insure the full enjoyment of the rights granted by this title.

EXPEDITION OF PROCEEDINGS

SEC. 814. Any court in which a proceeding is instituted under section 812 or 813 of this title shall assign the case for hearing at the earliest practicable date and cause the case to be in every way expedited.

EFFECT ON STATE LAWS

SEC. 815. Nothing in this title shall be construed to invalidate or limit any law of a State or political subdivision of a State, or of any other jurisdiction in which this title shall be effective, that grants, guarantees, or protects the same rights as are granted by this title; but any law of a State, a political subdivision, or other such jurisdiction that purports to require or permit any action that would be a discriminatory housing practice under this title shall to that extent be invalid.

COOPERATION WITH STATE AND LOCAL AGENCIES ADMINISTERING FAIR HOUSING LAWS

SEC. 816. The Secretary may cooperate with State and local agencies charged with the administration of State and local fair housing laws and, with the consent of such agencies, utilize the services of such agencies and their employees and, notwithstanding any other provision of law, may reimburse such agencies and their employees for services rendered to assist him in carrying out this title. In furtherance of such cooperative efforts, the Secretary may enter into written agreements with such State or local agencies. All agreements and terminations thereof shall be published in the Federal Register.

Publication in
Federal Register.

INTERFERENCE, COERCION, OR INTIMIDATION

SEC. 817. It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by section 803, 804, 805, or 806. This section may be enforced by appropriate civil action.

APPROPRIATIONS

SEC. 818. There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this title.

SEPARABILITY OF PROVISIONS

SEC. 819. If any provision of this title or the application thereof to any person or circumstances is held invalid, the remainder of the title and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

TITLE IX

PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES

SEC. 901. Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with—

(a) any person because of his race, color, religion or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or

(b) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from—

(1) participating, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities described in subsection 901(a); or

(2) affording another person or class of persons opportunity or protection so to participate; or

(c) any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities described in subsection 901(a), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate—

Penalty.

shall be fined not more than \$1,000, or imprisoned not more than one year, or both; and if bodily injury results shall be fined not more than \$10,000, or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

TITLE X—CIVIL OBEDIENCE

SHORT TITLE

“Civil Obedience Act of 1968.”

SEC. 1001. This title may be cited as the “Civil Obedience Act of 1968”.

CRIMINAL PENALTIES FOR ACTS COMMITTED IN CIVIL DISORDERS

76 Stat. 1119.
18 USC 201-
224.

SEC. 1002. (a) Title 18, United States Code, is amended by inserting after chapter 11 thereof the following new chapter:

“Chapter 12.—CIVIL DISORDERS

“Sec.

“231. Civil disorders.

“232. Definitions.

“233. Preemption.

“§ 231. Civil disorders

“(a) (1) Whoever teaches or demonstrates to any other person the use, application, or making of any firearm or explosive or incendiary device, or technique capable of causing injury or death to persons, knowing or having reason to know or intending that the same will be unlawfully employed for use in, or in furtherance of, a civil disorder which may in any way or degree obstruct, delay, or adversely affect commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function; or

“(2) Whoever transports or manufactures for transportation in commerce any firearm, or explosive or incendiary device, knowing or having reason to know or intending that the same will be used unlawfully in furtherance of a civil disorder; or

“(3) Whoever commits or attempts to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the move-

ment of any article or commodity in commerce or the conduct or performance of any federally protected function—

“Shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

Penalty.

“(b) Nothing contained in this section shall make unlawful any act of any law enforcement officer which is performed in the lawful performance of his official duties.

“§ 232. Definitions

“For purposes of this chapter:

“(1) The term ‘civil disorder’ means any public disturbance involving acts of violence by assemblages of three or more persons, which causes an immediate danger of or results in damage or injury to the property or person of any other individual.

“(2) The term ‘commerce’ means commerce (A) between any State or the District of Columbia and any place outside thereof; (B) between points within any State or the District of Columbia, but through any place outside thereof; or (C) wholly within the District of Columbia.

“(3) The term ‘federally protected function’ means any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof; and such term shall specifically include, but not be limited to, the collection and distribution of the United States mails.

“(4) The term ‘firearm’ means any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive; or the frame or receiver of any such weapon.

“(5) The term ‘explosive or incendiary device’ means (A) dynamite and all other forms of high explosives, (B) any explosive bomb, grenade, missile, or similar device, and (C) any incendiary bomb or grenade, fire bomb, or similar device, including any device which (i) consists of or includes a breakable container including a flammable liquid or compound, and a wick composed of any material which, when ignited, is capable of igniting such flammable liquid or compound, and (ii) can be carried or thrown by one individual acting alone.

“(6) The term ‘fireman’ means any member of a fire department (including a volunteer fire department) of any State, any political subdivision of a State, or the District of Columbia.

“(7) The term ‘law enforcement officer’ means any officer or employee of the United States, any State, any political subdivision of a State, or the District of Columbia, while engaged in the enforcement or prosecution of any of the criminal laws of the United States, a State, any political subdivision of a State, or the District of Columbia; and such term shall specifically include, but shall not be limited to, members of the National Guard, as defined in section 101(9) of title 10, United States Code, members of the organized militia of any State, or territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia, not included within the definition of National Guard as defined by such section 101(9), and members of the Armed Forces of the United States, while engaged in suppressing acts of violence or restoring law and order during a civil disorder.

70A Stat. 4.

“§ 233. Preemption

“Nothing contained in this chapter shall be construed as indicating an intent on the part of Congress to occupy the field in which any provisions of the chapter operate to the exclusion of State or local laws on

the same subject matter, nor shall any provision of this chapter be construed to invalidate any provision of State law unless such provision is inconsistent with any of the purposes of this chapter or any provision thereof."

62 Stat. 683.

(b) The table of contents to "PART I.—CRIMES" of title 18, United States Code, is amended by inserting after

"11. Bribery and graft..... 211"

a new chapter reference as follows:

"12. Civil disorders..... 231".

Approved April 11, 1968.

Public Law 90-285

JOINT RESOLUTION

April 12, 1968
[H. J. Res. 1223]

To continue for a temporary period the 7 percent excise tax rate on automobiles and the 10 percent excise tax rate on communication services.

Excise taxes,
extension.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the following provisions of the Internal Revenue Code of 1954 are each amended by striking out "March 31, 1968" and inserting in lieu thereof "April 30, 1968", and by striking out "April 1, 1968" and inserting in lieu thereof "May 1, 1968":

80 Stat. 65.
26 USC 4061.

(1) Section 4061(a)(2) (relating to tax on passenger automobiles);

(2) Section 6412(a)(1) (relating to floor stocks refunds on passenger automobiles); and

(3) Subsections (a)(2) and (c) of section 4251 (relating to tax on certain communications services).

Subsection (c) of such section 4251 is amended by striking out "February 1, 1968" and inserting in lieu thereof "March 1, 1968", and by striking out "January 31, 1968" and inserting in lieu thereof "February 29, 1968".

Effective date.

(b) The amendments made by subsection (a) shall take effect as of March 31, 1968.

Approved April 12, 1968.

Public Law 90-286

JOINT RESOLUTION

April 12, 1968
[H. J. Res. 1229]

Making a supplemental appropriation for the fiscal year ending June 30, 1968, and for other purposes.

Urgent supplemental appropriation,
1968.

Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled, That the following sum is appropriated out of any money in the Treasury not otherwise appropriated, to supply a supplemental appropriation for the fiscal year ending June 30, 1968, and for other purposes, namely:

DEPARTMENT OF LABOR

BUREAU OF EMPLOYMENT SECURITY

For an additional amount for "unemployment compensation for Federal employees and ex-servicemen", \$28,000,000.

Approved April 12, 1968.

Public Law 90-287

AN ACT

Relating to the Tiwa Indians of Texas.

April 12, 1968
[H. R. 10599]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Indians now living in El Paso County, Texas, who are descendants of the Tiwa Indians of the Ysleta (Isleta) del Sur Pueblo settling in Texas at Ysleta in 1682, shall, from and after the ratification of this Act, be known and designated as Tiwa Indians of Ysleta, Texas, and shall continue to enjoy all rights, privileges, and immunities enjoyed by them as citizens of the State of Texas and of the United States before the enactment of this Act, and shall continue to be subject to all the obligations and duties of such citizens under the laws of the State of Texas and the United States.

Tiwa Indians of
Ysleta, Tex.
Designation.

SEC. 2. Responsibility, if any, for the Tiwa Indians of Ysleta del Sur is hereby transferred to the State of Texas. Nothing in this Act shall make such tribe or its members eligible for any services performed by the United States for Indians because of their status as Indians nor subject the United States to any responsibility, liability, claim, or demand of any nature to or by such tribe or its members arising out of their status as Indians, and none of the statutes of the United States which affect Indians because of their status as Indians shall be applicable to the Tiwa Indians of Ysleta del Sur. Nothing herein shall preclude the application to the people of the Tiwa Indians of programs undertaken pursuant to the Economic Opportunity Act of 1964 (78 Stat. 508), as heretofore or hereafter amended.

Responsibility,
transfer.

42 USC 2701
note.

Approved April 12, 1968.

Public Law 90-288

AN ACT

To prohibit unfair trade practices affecting producers of agricultural products, and for other purposes.

April 16, 1968
[S.109]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the Agricultural Fair Practices Act of 1967.

Agricultural
Fair Practices
Act of 1967.

LEGISLATIVE FINDINGS AND DECLARATION OF POLICY

SEC. 2. Agricultural products are produced in the United States by many individual farmers and ranchers scattered throughout the various States of the Nation. Such products in fresh or processed form move in large part in the channels of interstate and foreign commerce, and such products which do not move in these channels directly burden or affect interstate commerce. The efficient production and marketing of agricultural products by farmers and ranchers is of vital concern to their welfare and to the general economy of the Nation. Because agricultural products are produced by numerous individual farmers, the marketing and bargaining position of individual farmers will be adversely affected unless they are free to join together voluntarily in cooperative organizations as authorized by law. Interference with this right is contrary to the public interest and adversely affects the free and orderly flow of goods in interstate and foreign commerce.

It is, therefore, declared to be the policy of Congress and the purpose of this Act to establish standards of fair practices required of handlers in their dealings in agricultural products.

DEFINITIONS

SEC. 3. When used in this Act—

(a) The term “handler” means any person engaged in the business or practice of (1) acquiring agricultural products from producers or associations of producers for processing or sale; or (2) grading, packaging, handling, storing, or processing agricultural products received from producers or associations of producers; or (3) contracting or negotiating contracts or other arrangements, written or oral, with or on behalf of producers or associations of producers with respect to the production or marketing of any agricultural product; or (4) acting as an agent or broker for a handler in the performance of any function or act specified in clause (1), (2), or (3) of this paragraph.

(b) The term “producer” means a person engaged in the production of agricultural products as a farmer, planter, rancher, dairyman, fruit, vegetable, or nut grower.

(c) The term “association of producers” means any association of producers of agricultural products engaged in marketing, bargaining, shipping, or processing as defined in section 15(a) of the Agricultural Marketing Act of 1929, as amended (49 Stat. 317; 12 U.S.C. 1141j(a)), or in section 1 of the Act entitled “An Act to authorize association of producers of agricultural products”, approved February 18, 1922 (42 Stat. 388; 7 U.S.C. 291).

(d) The term “person” includes individuals, partnerships, corporations, and associations.

(e) The term “agricultural products” shall not include cotton or tobacco or their products.

PROHIBITED PRACTICES

SEC. 4. It shall be unlawful for any handler knowingly to engage or permit any employee or agent to engage in the following practices:

(a) To coerce any producer in the exercise of his right to join and belong to or to refrain from joining or belonging to an association of producers, or to refuse to deal with any producer because of the exercise of his right to join and belong to such an association; or

(b) To discriminate against any producer with respect to price, quantity, quality, or other terms of purchase, acquisition, or other handling of agricultural products because of his membership in or contract with an association of producers; or

(c) To coerce or intimidate any producer to enter into, maintain, breach, cancel, or terminate a membership agreement or marketing contract with an association of producers or a contract with a handler; or

(d) To pay or loan money, give any thing of value, or offer any other inducement or reward to a producer for refusing to or ceasing to belong to an association of producers; or

(e) To make false reports about the finances, management, or activities of associations of producers or handlers; or

(f) To conspire, combine, agree, or arrange with any other person to do, or aid or abet the doing of, any act made unlawful by this Act.

DISCLAIMER OF INTENTION TO PROHIBIT NORMAL DEALING

SEC. 5. Nothing in this Act shall prevent handlers and producers from selecting their customers and suppliers for any reason other than a producer's membership in or contract with an association of producers, nor require a handler to deal with an association of producers.

ENFORCEMENT

SEC. 6. (a) Whenever any handler has engaged or there are reasonable grounds to believe that any handler is about to engage in any act or practice prohibited by section 4, a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order, may be instituted by the person aggrieved. In any action commenced pursuant hereto, the court, in its discretion, may allow the prevailing party a reasonable attorney's fee as part of the costs. The court may provide that no restraining order or preliminary injunction shall issue except upon the giving of security by the applicant, in such sum as the court deems proper, for the payment of such costs and damages as may be incurred or suffered by any party who is found to have been wrongfully enjoined or restrained.

(b) Whenever the Secretary of Agriculture has reasonable cause to believe that any handler, or group of handlers, has engaged in any act or practice prohibited by section 4, he may request the Attorney General to bring civil action in his behalf in the appropriate district court of the United States by filing with it a complaint (1) setting forth facts pertaining to such act or practice, and (2) requesting such preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order against the handler, or handlers, responsible for such acts or practices. Upon receipt of such request, the Attorney General is authorized to file such complaint.

(c) Any person injured in his business or property by reason of any violation of, or combination or conspiracy to violate, any provision of section 4 of this Act may sue therefor in the appropriate district court of the United States without respect to the amount in controversy, and shall recover damages sustained. In any action commenced pursuant to this subsection, the court may allow the prevailing party a reasonable attorney's fee as a part of the costs. Any action to enforce any cause of action under this subsection shall be forever barred unless commenced within two years after the cause of action accrued.

(d) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the aggrieved party shall have exhausted any administrative or other remedies that may be provided by law.

Jurisdiction.

The provisions of this Act shall not be construed to change or modify existing State law nor to deprive the proper State courts of jurisdiction.

SEPARABILITY

SEC. 7. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

Approved April 16, 1968, 9:40 a.m., Honolulu, Hawaii.

Public Law 90-289

AN ACT

April 19, 1968
[H. R. 16324]

To authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

Atomic Energy
Commission.
Appropriation
authorization.

77 Stat. 88.
42 USC 2017.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended:

(a) For "Operating expenses", \$2,174,550,000, not to exceed \$119,400,000 in operating costs for the High Energy Physics program category.

(b) For "Plant and capital equipment", including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following:

(1) SPECIAL NUCLEAR MATERIALS.—

Project 69-1-a, powder metallurgy facility, Savannah River, South Carolina, \$700,000.

Project 69-1-b, waste storage tanks, Savannah River, South Carolina, \$3,500,000.

(2) SPECIAL NUCLEAR MATERIALS.—

Project 69-2-a, calcined solids storage facility additions, National Reactor Testing Station, Idaho, \$2,100,000.

(3) ATOMIC WEAPONS.—

Project 69-3-a, rehabilitation of plutonium processing site, Los Alamos Scientific Laboratory, New Mexico, \$3,500,000.

Project 69-3-b, weapons production, development, and test installations, \$10,000,000.

(4) REACTOR DEVELOPMENT.—

Project 69-4-a, hot fuel examination facility, National Reactor Testing Station, Idaho, \$10,200,000.

Project 69-4-b, modifications to EBR-II and related facilities, National Reactor Testing Station, Idaho, \$2,000,000.

Project 69-4-c, research and development test plants, Project Rover, Los Alamos Scientific Laboratory, New Mexico, and Nevada Test Site, Nevada, \$1,000,000.

Project 69-4-d, modifications to reactors, \$1,000,000.

(5) PHYSICAL RESEARCH.—

Project 69-5-a, accelerator and reactor additions and modifications, Brookhaven National Laboratory, New York, \$600,000.

Project 69-5-b, accelerator improvements, zero gradient synchrotron, Argonne National Laboratory, Illinois, \$875,000.

Project 69-5-c, accelerator improvements, Lawrence Radiation Laboratory, Berkeley, California, \$750,000.

Project 69-5-d, accelerator improvements, Cambridge and Princeton accelerators, \$145,000.

Project 69-5-e, accelerator improvements, Stanford Linear Accelerator Center, California, \$630,000.

Project 69-5-f, omnitron accelerator, Lawrence Radiation Laboratory, Berkeley, California (AE only), \$1,000.

(6) GENERAL PLANT PROJECTS.—\$37,010,000.

(7) CAPITAL EQUIPMENT.—Acquisition and fabrication of capital equipment not related to construction, \$175,040,000.

SEC. 102. LIMITATIONS.—(a) The Commission is authorized to start any project set forth in subsections 101(b) (1), (3), (4), and (5) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project set forth in subsection 101(b) (2) only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start a project under subsection 101(b) (6) only if it is in accordance with the following:

(1) The maximum currently estimated cost of any project shall be \$500,000 and the maximum currently estimated cost of any building included in such project shall be \$100,000, provided that the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy.

(2) The total cost of all projects undertaken under subsection 101(b) (6) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

SEC. 103. The Commission is authorized to perform construction design services for any Commission construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Commission and (2) the Commission determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

Construction design services.

SEC. 104. When so specified in an appropriation Act, transfers of amounts between "Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act.

Transfers of amounts.

SEC. 105. COOPERATIVE POWER REACTOR DEMONSTRATION PROGRAM.—Section 111 of Public Law 85-162, as amended, is further amended by striking out the date "June 30, 1968" in clause (3) of subsection (a) and inserting in lieu thereof the date "June 30, 1969".

71 Stat. 409;
81 Stat. 126.

SEC. 106. AMENDMENT OF PRIOR YEAR ACTS.—(a) Section 101(b) of Public Law 90-56 is amended by (1) striking from subsection (2) thereof the figure "\$100,500,000" for project 68-2-a, new weapons production capabilities, various locations, and substituting therefor the figure "\$285,000,000"; and (2) striking from subsection (4) thereof the figure "\$7,333,000" for project 68-4-f, 200 Bev accelerator, Du Page and Kane Counties near Chicago, Illinois, and substituting therefor the figure "\$32,333,000".

81 Stat. 124.
125.

(b) Section 101 of Public Law 89-32, as amended, is further amended by (1) striking therefrom the figure "\$2,655,621,000" and substituting therefor the figure "\$2,658,821,000"; (2) striking from subsection (b) thereof the figure "\$394,845,000" and substituting therefor the figure "\$398,045,000"; and (3) striking from subsection (b) (2) thereof the figure "\$2,300,000" for project 66-2-d, environmental test facility, Lawrence Radiation Laboratory, Livermore, California, and substituting therefor the figure "\$5,500,000".

81 Stat. 126.

SEC. 107. RESCISSION.—Public Law 88-332, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated and such additional funds as may be necessary to close out the project, as follows:

78 Stat. 228.

Project 65-5-a, Argonne advanced research reactor, Argonne National Laboratory, Illinois, \$25,000,000.

Approved April 19, 1968.

Public Law 90-290

April 19, 1968
[H. R. 5799]

AN ACT

To amend the District of Columbia Uniform Gifts to Minors Act to provide that gifts to minors made under such Act may be deposited in savings and loan associations and related institutions, and for other purposes.

D. C.
Gifts to minors.

79 Stat. 744.

"Financial in-
stitution."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the District of Columbia Uniform Gifts to Minors Act (chapter 3 of title 21 of the District of Columbia Code) is amended as follows:

(1) Section 21-301 of such Act is amended—

(A) by striking out "bank" in paragraph (3) and inserting "financial institution";

(B) by renumbering paragraphs (7) through (15) as (8) through (16), respectively; and

(C) by inserting immediately after paragraph (6) the following:

"(7) 'Financial institution' means—

"(A) any bank,

"(B) any homestead or building association, building and loan association, savings and loan association, or Federal savings and loan association, or

"(C) any Federal credit union,
having an office in the District of Columbia."

(2) Section 21-302(a) (4) of such Act is amended (A) by striking out "bank" where such term first appears and inserting "financial institution"; and (B) by striking out "bank with trust powers" and inserting "trust company".

(3) Sections 21-303(b), 21-304(g), and 21-306 of such Act are each amended by striking out "bank" and inserting "financial institution".

Approved April 19, 1968.

Public Law 90-291

April 19, 1968
[H. R. 11816]

AN ACT

To provide compensation for law enforcement officers not employed by the United States killed or injured while apprehending persons suspected of committing Federal crimes, and for other purposes.

Local law en-
forcement officers.
Benefits for in-
jury or death
while apprehend-
ing Federal vio-
lators.
80 Stat. 531.
5 USC 8101
et seq.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Chapter 81 of title 5 of the United States Code is amended by adding the following new subchapter at the end:

**"SUBCHAPTER III.—LAW ENFORCEMENT OFFICERS NOT
EMPLOYED BY THE UNITED STATES**

"§ 8191. Determination of eligibility

"The benefits of this subchapter are available as provided in this subchapter to eligible law enforcement officers (referred to in this subchapter as 'eligible officers') and their survivors. For the purposes of this Act, an eligible officer is any person who is determined by the Secretary of Labor in his discretion to have been on any given occasion—

"(1) a law enforcement officer and to have been engaged on that occasion in the apprehension or attempted apprehension of any person—

“(A) for the commission of a crime against the United States, or

“(B) who at that time was sought by a law enforcement authority of the United States for the commission of a crime against the United States, or

“(C) who at that time was sought as a material witness in a criminal proceeding instituted by the United States; or

“(2) a law enforcement officer and to have been engaged on that occasion in protecting or guarding a person held for the commission of a crime against the United States or as a material witness in connection with such a crime; or

“(3) a law enforcement officer and to have been engaged on that occasion in the lawful prevention of, or lawful attempt to prevent, the commission of a crime against the United States;

and to have been on that occasion not an employee as defined in section 8101(1), and to have sustained on that occasion a personal injury for which the United States would be required under subchapter I of this chapter to pay compensation if he had been on that occasion such an employee engaged in the performance of his duty. No person otherwise eligible to receive a benefit under this subchapter because of the disability or death of an eligible officer shall be barred from the receipt of such benefit because the person apprehended or attempted to be apprehended by such officer was then sought for the commission of a crime against a sovereignty other than the United States.

80 Stat. 532;
81 Stat. 196.

5 USC 8101-
8150.

“§ 8192. Benefits

“(a) BENEFITS IN EVENT OF INJURY.—The Secretary of Labor shall furnish to any eligible officer the benefits to which he would have been entitled under subchapter I of this chapter if, on the occasion giving rise to his eligibility, he had been an employee as defined in section 8101(1) engaged in the performance of his duty, reduced or adjusted as the Secretary of Labor in his discretion may deem appropriate to reflect comparable benefits, if any, received by the officer (or which he would have been entitled to receive but for this subchapter) by virtue of his actual employment on that occasion. When an enforcement officer has contributed to a disability compensation fund, the reduction of Federal benefits provided for in this subsection is to be limited to the amount of the State or local government benefits which bears the same proportion to the full amount of such benefits as the cost or contribution paid by the State or local government bears to the cost of disability coverage for the individual officer.

“(b) BENEFITS IN EVENT OF DEATH.—The Secretary of Labor shall pay to any survivor of an eligible officer the difference, as determined by the Secretary in his discretion, between the benefits to which that survivor would be entitled if the officer had been an employee as defined in section 8101(1) engaged in the performance of his duty on the occasion giving rise to his eligibility, and the comparable benefits, if any, received by the survivor (or which that survivor would have been entitled to receive but for this subchapter) by virtue of the officer's actual employment on that occasion. When an enforcement officer has contributed to a survivor's benefit fund, the reduction of Federal benefits provided for in this subsection is to be limited to the amount of the State or local government benefits which bears the same proportion to the full amount of such benefits as the cost or contribution paid by the State or local government bears to the cost of survivor's benefits coverage for the individual officer.

“§ 8193. Administration

“(a) DEFINITIONS AND RULES OF CONSTRUCTION.—For the purpose of this subchapter—

“(1) The term ‘Attorney General’ includes any person to whom the Attorney General has delegated any function pursuant to subsection (b) of this section.

“(2) The term ‘Secretary of Labor’ includes any person to whom the Secretary of Labor has delegated any function pursuant to subsection (b) of this section.

“(b) DELEGATION.—

“(1) The Attorney General may delegate to any division, officer, or employee of the Department of Justice any function conferred upon the Attorney General by this subchapter.

“(2) The Secretary of Labor may delegate to any bureau, officer, or employee of the Department of Labor any function conferred upon the Secretary of Labor by this subchapter.

“(c) APPLICATIONS.—An application for any benefit under this subchapter may be made only—

“(1) to the Secretary of Labor

“(2) by

“(A) any eligible officer or survivor of an eligible officer,

“(B) any guardian, personal representative, or other person legally authorized to act on behalf of an eligible officer, his estate, or any of his survivors, or

“(C) any association of law enforcement officers which is acting on behalf of an eligible officer or any of his survivors;

“(3) within five years after the injury or death; and

“(4) in such form as the Secretary of Labor may require.

“(d) CONSULTATION WITH ATTORNEY GENERAL AND OTHER AGENCIES.—The Secretary of Labor may refer any application received by him pursuant to this subchapter to the Attorney General for his assistance, comments and advice as to any determination required to be made pursuant to paragraph (1), (2), or (3) of section 8191. To insure that all Federal assistance under this subchapter is carried out in a coordinated manner, the Secretary of Labor is authorized to request any Federal department or agency to supply any statistics, data, or any other materials he deems necessary to carry out his functions under this subchapter. Each such department or agency is authorized to cooperate with the Secretary of Labor and, to the extent permitted by law, to furnish such materials to him.

“(e) COOPERATION WITH STATE AGENCIES.—The Secretary of Labor shall cooperate fully with the appropriate State and local officials, and shall take all other practicable measures, to assure that the benefits of this subchapter are made available to eligible officers and their survivors with a minimum of delay and difficulty.

“(e) APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subchapter.”

(b) The table of sections at the beginning of chapter 81 of title 5 of the United States Code is amended by adding at the end:

“SUBCHAPTER III.—LAW ENFORCEMENT OFFICERS NOT EMPLOYED BY THE UNITED STATES

“Sec.

“8191. Determination of eligibility.

“8192. Benefits.

“8193. Administration.”

Effective date.

SEC. 2. The amendments made by section 1 of this Act are effective only with respect to personal injuries sustained on or after the date of enactment of this Act.

Approved April 19, 1968.

Public Law 90-292

AN ACT

To amend the Act of June 20, 1906, and the District of Columbia election law to provide for the election of members of the Board of Education of the District of Columbia.

April 22, 1968
[H. R. 13042]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

District of
Columbia Elected
Board of Educa-
tion Act.

SHORT TITLE

SECTION 1. This Act may be cited as the "District of Columbia Elected Board of Education Act."

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. The Congress hereby finds and declares that the school is a focal point of neighborhood and community activity; that the merit of its schools and educational system is a primary index to the merit of the community; and that the education of their children is a municipal matter of primary and personal concern to the citizens of a community. It is therefore the purpose of this Act to give the citizens of the Nation's Capital a direct voice in the development and conduct of the public educational system of the District of Columbia; to provide organizational arrangements whereby educational programs may be improved and coordinated with other municipal programs; and to make District schools centers of neighborhood and community life.

AMENDMENTS TO DISTRICT OF COLUMBIA BOARD OF EDUCATION LAW

SEC. 3. (a) Section 2 of the Act entitled "An Act to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia", approved June 20, 1906 (D.C. Code, sec. 31-101), is amended by striking out the first paragraph of subsection (a) and inserting in lieu thereof the following: "SEC. 2. (a) The control of the public schools of the District of Columbia is vested in a Board of Education to consist of eleven elected members, three of whom are to be elected at large, and one to be elected from each of the eight school election wards established under the District of Columbia Election Act. The election of the members of the Board of Education shall be conducted on a nonpartisan basis and in accordance with such Act.

34 Stat. 316;
71 Stat. 340.

Members, elec-
tion.

69 Stat. 699;
Post, p. 106.
D.C. Code 1-
1101 et seq.

Term of office.
Post, p. 106.

"(b) (1) Except as provided in paragraph (2) of this subsection and section 10(e) of the District of Columbia Election Act, the term of office of a member of the Board of Education shall be four years.

"(2) Of the members of the Board of Education first elected after the date of the enactment of this paragraph, three members elected from wards and two members elected at large shall serve for terms ending January 26, 1970, and the other six members shall serve for terms ending January 24, 1972. The members who shall serve for terms ending January 26, 1970, shall be determined by lots cast before the Board of Elections of the District of Columbia upon a date set and pursuant to regulation issued by the Board of Elections.

"(3) The term of office of a member of the Board of Education elected at a general election shall begin at noon on the fourth Monday in January next following such election. A member may serve more than one term.

"(4) The members may receive compensation at a rate fixed by the District of Columbia Council, which shall not exceed \$1,200 per annum.

Compensation.

Qualifications.

69 Stat. 699;
75 Stat. 820.
D.C. Code 1-
1102.

"(c) (1) Each member of the Board of Education elected from a ward shall at the time of his nomination (A) be a qualified elector (as that term is defined in section 2 of the District of Columbia Election Act) in the school election ward from which he seeks election, (B) have, for the one-year period immediately preceding his nomination, resided in the school election ward from which he is nominated, (C) have, during the three years next preceding his nomination, been an actual resident of the District of Columbia and have during such period claimed residence nowhere else, and (D) hold no elective office other than delegate or alternate delegate to a convention of a political party nominating candidates for President and Vice President of the United States. A member shall forfeit his office upon failure to maintain the qualifications required by this paragraph.

"(2) Each member of the Board of Education elected at large shall at the time of his nomination (A) be a qualified elector (as that term is defined in section 2 of the District of Columbia Election Act) in the District of Columbia, (B) have, during the three-year period next preceding his nomination, been an actual resident of the District of Columbia and have during such period claimed residence nowhere else, and (C) hold no elective office other than delegate or alternate delegate to a convention of a political party nominating candidates for President and Vice President of the United States. A member shall forfeit his office upon failure to maintain the qualifications required by this paragraph.

"(3) No individual may hold the office of member of the Board of Education and also be an officer or employee of the District of Columbia government or of the Board of Education. A member will forfeit his office upon failure to maintain the qualification required by this paragraph.

Vacancies.

"(d) Whenever, before the end of his term, a member of the Board of Education dies, resigns, or becomes unable to serve or a member-elect of the Board of Education fails to take office, such vacancy shall be filled as provided in section 10(e) of the District of Columbia Election Act.

Post, p. 106.

Officers; meetings.

"(e) The Board of Education shall select a President from among its members at the first meeting of the Board of Education held on or after the date (prescribed in paragraph (3) of subsection (b) of this section) on which members are to take office after each general election. The Board of Education may appoint a secretary, who shall not be a member of the Board of Education. The Board of Education shall hold stated meetings at least once a month during the school year and such additional meetings as it may from time to time provide for. Meetings of the Board of Education shall be open to the public; except that the Board of Education (1) may close to the public any meeting (or part thereof) dealing with the appointment, promotion, transfer, or termination of employment of, or any other related matter involving, any employee of the Board of Education, and (2) may close to the public any meeting (or part thereof) dealing with any other matter but no final policy decision on such other matter may be made by the Board of Education in a meeting (or part thereof) closed to the public."

Post, p. 103.

(b) The second, third, fourth, and fifth paragraphs of such section 2(a) are redesignated as subsections (f), (g), (h), and (i), respectively.

Repeal.
71 Stat. 341.
D.C. Code 31-
101.

(c) Subsection (b) of such section 2 is repealed.

(d) (1) The provisions of the Act of June 20, 1906, listed in paragraph (2) of this subsection, are amended by striking out the terms "board of education" and "board" each place they appear in such provisions and inserting in lieu thereof "Board of Education" and "Board", respectively.

(2) The provisions of the Act of June 20, 1906, amended by paragraph (1) of this subsection are as follows:

(A) Subsections (f), (g), (h), and (i) of section 2 of such Act (as so redesignated by subsection (b) of this section) (D.C. Code, secs. 31-102, 31-103, 31-104, 31-101).

34 Stat. 317;
45 Stat. 1139.

(B) Section 3 of such Act (D.C. Code, secs. 31-105, 31-108, 31-110, 31-111).

(C) The first paragraph of section 5 of such Act (D.C. Code, sec. 31-112).

(D) Section 12 of such Act (D.C. Code, sec. 31-117).

AMENDMENTS TO DISTRICT OF COLUMBIA ELECTION LAW

SEC. 4. The Act entitled "An Act to regulate the election in the District of Columbia of electors of President and Vice President of the United States and of delegates representing the District of Columbia to national political conventions, and for other purposes", approved August 12, 1955 (D.C. Code, sec. 1-1101 et seq.), is amended as follows:

(1) The first section of such Act (D.C. Code, sec. 1-1101) is amended by inserting immediately after "Vice President of the United States" the following: "the members of the Board of Education,".

69 Stat. 699;
75 Stat. 817.

(2) Section 2 of such Act (D.C. Code, sec. 1-1102) is amended by adding at the end thereof the following new paragraphs:

"(4) The term 'ward' means a school election ward established by the Board under section 5(a)(4) of this Act.

"Ward."

"(5) The term 'Board of Education' means the Board of Education of the District."

"Board of Education."

(3) Paragraph (4) of section 5(a) of such Act (D.C. Code, sec. 1-1105(a)(4)) is amended by inserting immediately before the semicolon the following: "; divide the District into eight compact and contiguous school election wards which shall include such numbers of precincts as will provide approximately equal population within each ward; and reapportion the wards accordingly after each decennial census".

School election wards.

(4) Section 7 of such Act (D.C. Code, sec. 1-1107) is amended—

Registration.
75 Stat. 817.

(A) by striking out in subsection (a) "he registers in the District during the year in which such election is to be held." and inserting in lieu thereof "he is duly registered in the District on the date of such election. A person shall be considered duly registered in the District if he registers under this Act after January 1, 1968, and if after the date he registers no four-year period elapses during which he fails to vote in an election held under this Act.";

(B) by amending subsection (d) to read as follows:

69 Stat. 701;
75 Stat. 818.

"(d) (1) The registry shall be open during reasonable hours, except that the registry shall not be open (A) during the thirty-day period ending on the first Tuesday following the first Monday in November of each odd-numbered calendar year and of each presidential election year, (B) during the thirty-day period ending on the first Tuesday in May in each presidential election year, and (C) during such other period as the Board may provide in the case of a special election.

"(2) The Board may close the registry on Saturdays, Sundays, and holidays. While the registry is open, any person may apply for registration or change his registration."; and

(C) by striking out in subsection (e) "Municipal Court for the District of Columbia" and inserting in lieu thereof "District of Columbia Court of General Sessions".

(5) Section 8 of such Act (D.C. Code, sec. 1-1108) is amended—

Nominations.
69 Stat. 701.

(A) by striking out in subsection (a)(1) "thirty days" and inserting in lieu thereof "forty-five days"; and

69 Stat. 701;
75 Stat. 818, 819.

(B) by adding the following new subsections at the end thereof:
“(h)(1) Except in the case of the three members of the Board of Education elected at large, the members of the Board of Education shall be elected by the qualified electors of the respective wards of the District from which the members have been nominated.

“(2) In the case of the three members of the Board of Education elected at large, each such member shall be elected by the qualified electors of the District.

Petitions, re-
quirements; filing
fee.

Ante, p. 103.

“(i) Each candidate in a general election for member of the Board of Education shall be nominated for such office by a petition (A) filed with the Board not later than forty-five days before the date of such general election; (B) signed by at least two hundred and fifty persons who are duly registered under section 7 in the ward from which the candidate seeks election, or in the case of a candidate running at large, signed by at least one hundred and twenty-five persons in each ward of the District who are duly registered in such ward; and (C) accompanied by a filing fee of \$100. Such fee may be refunded only in the event that the candidate withdraws his nomination by writing received by the Board not later than three days after the date on which nominations are closed. A nominating petition for a candidate in a general election for member of the Board of Education may not be circulated for signatures before the ninety-ninth day preceding the date of such election and may not be filed with the Board before the seventieth day preceding such date. The Board may prescribe rules with respect to the preparation and presentation of nominating petitions and the posting and disposition of filing fees. In a general election for members of the Board of Education, the Board shall arrange the ballots in each ward to enable a voter registered in that ward to vote for any one candidate duly nominated to be elected to such office from such ward, and to vote for as many candidates duly nominated for election at large to such office as there are Board of Education members to be elected at large in such election.

Petitions, post-
ing.

“(j)(1) The Board is authorized to accept any nominating petition for a candidate for any office as bona fide with respect to the qualifications of the signatories thereto if the original or facsimile thereof has been posted in a suitable public place for the ten-day period beginning on the forty-second day before the date of the election for such office. Any qualified elector may within such ten-day period challenge the validity of any petition by a written statement duly signed by the challenger and filed with the Board and specifying concisely the alleged defects in such petition. Copy of such challenge shall be sent by the Board promptly to the person designated for the purpose in the nominating petition.

Challenge.

“(2) The Board shall receive evidence in support of and in opposition to the challenge and shall determine the validity of the challenged nominating petition not more than eight days after the challenge has been filed. Within three days after announcement of the determination of the Board with respect to the validity of the nominating petition, either the challenger or any person named in the challenged petition as a nominee may apply to the District of Columbia Court of Appeals for a review of the reasonableness of such determination. The court shall expedite consideration of the matter and the decision of such court shall be final and not appealable.

Appeal.

“(k) In any election, the order in which the names of the candidates for office appear on the ballot shall be determined by lot, upon a date or dates and under regulations prescribed by the Board.”

Absentee vot-
ing.

(6) Section 9 of such Act (D.C. Code, sec. 1-1109) is amended—

75 Stat. 819.

(A) by striking out “for electors of President and Vice President” in the second sentence of subsection (b); and

(B) by striking out "Municipal Court for the District of Columbia" in subsection (e) and inserting "District of Columbia Court of General Sessions".

(7) Section 10 of such Act (D.C. Code, sec. 1-1110) is amended—

Elections.

(A) by striking out the second and third sentences of paragraph (1) of subsection (a) and the second sentence of paragraph (2) of such subsection;

69 Stat. 702;
75 Stat. 819.

(B) by adding at the end of subsection (a) the following new paragraphs:

"(3) The first general election for members of the Board of Education shall be held on November 5, 1968, and thereafter on the Tuesday next after the first Monday in November of each odd-numbered calendar year.

"(4) (A) If in a general election for members of the Board of Education no candidate for the office of member from a ward, or no candidate for the office of member elected at large (where only one at-large position is being filled at such election), receives a majority of the votes validly cast for such office, a runoff election shall be held on the twenty-first day next following such election. The candidate receiving the highest number of votes in such runoff election shall be declared elected.

Runoffs.

"(B) When more than one office of member elected at large is being filled at such a general election, the candidates for such offices who receive the highest number of votes shall be declared elected, except that no candidate shall be declared elected who does not receive a majority of the number of all votes cast for candidates for election at large in such election divided by the number of at-large offices to be filled in such election. Where one or more of the at-large positions remains unfilled, a runoff election shall be held as provided in subparagraph (A) of this paragraph, and the candidate or candidates receiving the highest number of votes in such runoff election shall be declared elected.

"(C) Where a vacancy in an unexpired term for an at-large position is being filled at the same general election as one or more full term at-large positions, the successful candidate or candidates with the highest number of votes in the general election, or in the runoff election if a runoff election is necessary, shall be declared elected to the full term position or positions, provided that any candidate declared elected at the general election shall for this purpose be deemed to have received a higher number of votes than any candidate elected in the runoff election.

"(D) The Board may resolve any tie vote occurring in an election governed by this paragraph by requiring the candidates receiving the tie vote to cast lots at such time and in such manner as the Board may prescribe.

"(5) In the case of a runoff election for the office of member of the Board of Education elected at large, the candidates in such runoff election shall be those unsuccessful candidates, in number not more than one more than the number of such offices to be filled, who in the general election next preceding such runoff election received the highest number of votes less than a majority. In the case of a runoff election for the office of member of the Board of Education from a ward, the runoff election shall be held in such ward, and the two candidates who in the general election next preceding such runoff election received respectively the highest number and the second highest number of votes validly cast in such ward or who tied in receiving the highest number of such votes shall run in such runoff election. If in any case (other than the one described in the preceding sentence) a tie vote must be resolved to determine the candidates to run

in any runoff election, the Board may resolve such tie vote by requiring the candidates receiving the tie vote to cast lots at such time and in such manner as the Board may prescribe.

"(6) If any candidate withdraws (in accordance with such rules and time limits as the Board shall prescribe) from a runoff election held to select a member of the Board of Education or dies before the date of such election, the candidate who received the same number of votes in the general election next preceding such runoff election as a candidate in such runoff election or who received a number of votes in such general election which is next highest to the number of votes in such general election received by a candidate in the runoff election and who is not a candidate in such runoff election shall be a candidate in such runoff election. The resolution of any tie necessary to determine the candidate to fill the vacancy caused by such withdrawal or death shall be resolved by the Board in the same manner as ties are resolved under paragraph (5)."

(C) by amending subsection (b) to read as follows:

"(b) All elections prescribed by this Act shall be conducted by the Board in conformity with the provisions of this Act. In all elections held pursuant to this Act the polls shall be open from 8 o'clock antemeridian to 8 o'clock postmeridian. Candidates receiving the highest number of votes in elections held pursuant to this Act, other than general elections for members of the Board of Education, shall be declared the winners.";

(D) by inserting after "In the case of a tie" in subsection (c) the following: "vote in any election other than an election for members of the Board of Education,";

(E) by inserting after "official" in subsection (d) the following: ", other than a member of the Board of Education,"; and

(F) by adding at the end thereof the following new subsection:

"(e) Whenever a vacancy occurs in the office of member of the Board of Education, such vacancy shall be filled at the next general election for members of the Board of Education which occurs more than ninety-nine days after such vacancy occurs. However, the Board of Education shall appoint a person to fill such vacancy until the unexpired term of the vacant office ends or until the fourth Monday in January next following the date of the election of a person to serve the remainder of such unexpired term, whichever occurs first. A person elected to fill a vacancy shall hold office for the duration of the unexpired term of office to which he was elected. Any person appointed under this subsection shall have the same qualifications for holding such office as were required of his immediate predecessor."

(8) The first sentence of section 11(b) of such Act (D.C. Code, sec. 1-1111(b)) is amended by striking out "the United States District Court for the District of Columbia" and inserting in lieu thereof "the District of Columbia Court of Appeals".

(9) The following new sections shall be added at the end of such Act:

"SEC. 15. No person shall be a candidate for more than one office on the Board of Education in any election for members of the Board of Education. If a person is nominated for more than one such office, he shall, within three days after the Board has sent him notice that he has been so nominated, designate in writing the office for which he wishes to run, in which case he will be deemed to have withdrawn all other nominations. In the event that such person fails within such three-day period to file such a designation with the Board, all such nominations of such person shall be deemed withdrawn.

"SEC. 16. This Act may be cited as the 'District of Columbia Election Act'."

69 Stat. 702.
D.C. Code 1-
1110.

Vacancies.

69 Stat. 703.

Dual nominations,
prohibition.

Citation of act.

COORDINATION WITH THE DISTRICT OF COLUMBIA GOVERNMENT

SEC. 5. (a) The Board of Education and the Commissioner of the District of Columbia shall jointly develop procedures to assure the maximum coordination of educational and other municipal programs and services in achieving the most effective educational system and utilization of educational facilities and services to serve broad community needs. Such procedures shall cover such matters as—

(1) design and construction of educational facilities to accommodate civic and community activities such as recreation, adult and vocational education and training, and other community purposes;

(2) full utilization of educational facilities during nonschool hours for community purposes;

(3) utilization of municipal services such as police, sanitation, recreational, maintenance services to enhance the effectiveness and stature of the school in the community;

(4) arrangements for cost-sharing and reimbursements on school and community programs involving utilization of educational facilities and services; and

(5) other matters of mutual interest and concern.

(b) The Board of Education may invite the Commissioner of the District of Columbia or his designee to attend and participate in meetings of the Board on matters pertaining to coordination of educational and other municipal programs and services and on such other matters as may be of mutual interest.

EFFECTIVE DATE AND TERMINATION OF OFFICE

SEC. 6. (a) The amendments made by this Act shall take effect on May 15, 1968, except that—

(1) the Board of Education of the District of Columbia, appointed under the Act of June 20, 1906 (as in effect on the date of the enactment of this Act), shall continue to exercise the powers, functions, duties vested in it under such Act (as in effect on such date);

(2) vacancies in such Board shall be filled by appointment in accordance with such Act (as in effect on such date); and

(3) the members of such Board appointed under such Act (as in effect on such date) shall continue in office; until such time as at least six of the members first elected to the Board of Education (under such Act as amended by this Act) take office.

Approved April 22, 1968.

34 Stat. 316.
D.C. Code 31-
101 et seq.

Public Law 90-293

AN ACT

To grant the masters of certain United States vessels a lien on those vessels for their wages.

April 25, 1968
[H. R. 14401]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the master of a vessel documented, registered, enrolled, or licensed under the laws of the United States shall have the same lien for his wages against such vessel and the same priority as any other seaman serving on such vessel.

(b) Sections 4546 and 4547 of the Revised Statutes of the United States (46 U.S.C. 603 and 604) shall not apply in any proceeding brought by a master for the enforcement of the lien granted by this section.

Vessels.
Masters' liens
for wages.

(c) Section 4535 of the Revised Statutes of the United States (46 U.S.C. 600) is amended by striking out "seaman" each place it appears and inserting in lieu thereof at each such place "master or seaman".

(d) Section 12 of the Act of March 4, 1915, as amended (38 Stat. 1164; 46 U.S.C. 601), is amended (1) by striking out "seaman or apprentice" each place it appears and inserting in lieu thereof at each such place "master, seaman, or apprentice", and (2) by striking out in the first proviso thereof "any seaman" and inserting in lieu thereof "any master or seaman".

"Master."

SEC. 2. For the purposes of this Act, section 4535 of the Revised Statutes of the United States and section 12 of the Act of March 4, 1915, as amended (38 Stat. 1164; 46 U.S.C. 601), the term "master" shall include every person having command of any vessel documented, registered, enrolled, or licensed under the laws of the United States, except a person who has a financial interest valued at 5 per centum or more either of the corporation, partnership, or association which owns the vessel against which the lien is claimed, or of the market value of the vessel against which the lien is claimed.

Approved April 25, 1968.

Public Law 90-294

April 26, 1968
[S. 3135]

AN ACT

To amend the Communications Act of 1934 by extending the authorization of appropriations for the Corporation for Public Broadcasting.

Corporation for
Public Broad-
casting.

81 Stat. 372.
47 USC 396.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraphs (1) and (2) of section 396(k) of the Communications Act of 1934 are each amended by striking out "1968" and inserting in lieu thereof "1969".

Approved April 26, 1968.

Public Law 90-295

April 29, 1968
[S. 1664]

AN ACT

For the relief of the city of El Dorado, Kansas.

El Dorado,
Kans.
Relief.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the city of El Dorado, Kansas, the sum of \$10,071.81 in full settlement of all its claims against the United States for payment of civil defense matching funds for a civil defense communication system composed of items described in the project application and approved by the Office of Civil Defense and installed in the El Dorado emergency operating center located in the new public safety building for civil defense purposes. Payment of all or a portion of the amount appropriated in this Act is conditioned upon installation of and payment for the items included in the project application. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved April 29, 1968.

Public Law 90-296

AN ACT

To provide for the temporary transfer to a single district for coordinated or consolidated pretrial proceedings of civil actions pending in different districts which involve one or more common questions of fact, and for other purposes.

April 29, 1968
[S. 159]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 87 of title 28, United States Code, is amended by inserting therein after section 1406:

District courts.
Pretrial proceedings, transfer.
62 Stat. 935.
28 USC 1391-1406.

“§ 1407. Multidistrict litigation

“(a) When civil actions involving one or more common questions of fact are pending in different districts, such actions may be transferred to any district for coordinated or consolidated pretrial proceedings. Such transfers shall be made by the judicial panel on multidistrict litigation authorized by this section upon its determination that transfers for such proceedings will be for the convenience of parties and witnesses and will promote the just and efficient conduct of such actions. Each action so transferred shall be remanded by the panel at or before the conclusion of such pretrial proceedings to the district from which it was transferred unless it shall have been previously terminated: *Provided, however,* That the panel may separate any claim, cross-claim, counter-claim, or third-party claim and remand any of such claims before the remainder of the action is remanded.

“(b) Such coordinated or consolidated pretrial proceedings shall be conducted by a judge or judges to whom such actions are assigned by the judicial panel on multidistrict litigation. For this purpose, upon request of the panel, a circuit judge or a district judge may be designated and assigned temporarily for service in the transferee district by the Chief Justice of the United States or the chief judge of the circuit, as may be required, in accordance with the provisions of chapter 13 of this title. With the consent of the transferee district court, such actions may be assigned by the panel to a judge or judges of such district. The judge or judges to whom such actions are assigned, the members of the judicial panel on multidistrict litigation, and other circuit and district judges designated when needed by the panel may exercise the powers of a district judge in any district for the purpose of conducting pretrial depositions in such coordinated or consolidated pretrial proceedings.

Assignment of judges.

62 Stat. 900;
72 Stat. 848.
28 USC 291-296.

“(c) Proceedings for the transfer of an action under this section may be initiated by—

Initiation of action.

“(i) the judicial panel on multidistrict litigation upon its own initiative, or

“(ii) motion filed with the panel by a party in any action in which transfer for coordinated or consolidated pretrial proceedings under this section may be appropriate. A copy of such motion shall be filed in the district court in which the moving party's action is pending.

“The panel shall give notice to the parties in all actions in which transfers for coordinated or consolidated pretrial proceedings are contemplated, and such notice shall specify the time and place of any hearing to determine whether such transfer shall be made. Orders of the panel to set a hearing and other orders of the panel issued prior to the order either directing or denying transfer shall be filed in the office of the clerk of the district court in which a transfer hearing is to be or has been held. The panel's order of transfer shall be based upon a record of such hearing at which material evidence may be offered by any party to an action pending in any district that would be affected by the proceedings under this section, and shall be supported by findings of fact

Hearings, etc.

and conclusions of law based upon such record. Orders of transfer and such other orders as the panel may make thereafter shall be filed in the office of the clerk of the district court of the transferee district and shall be effective when thus filed. The clerk of the transferee district court shall forthwith transmit a certified copy of the panel's order to transfer to the clerk of the district court from which the action is being transferred. An order denying transfer shall be filed in each district wherein there is a case pending in which the motion for transfer has been made.

Panel circuit
and district
judges.

"(d) The judicial panel on multidistrict litigation shall consist of seven circuit and district judges designated from time to time by the Chief Justice of the United States, no two of whom shall be from the same circuit. The concurrence of four members shall be necessary to any action by the panel.

Judicial review.

"(e) No proceedings for review of any order of the panel may be permitted except by extraordinary writ pursuant to the provisions of title 28, section 1651, United States Code. Petitions for an extraordinary writ to review an order of the panel to set a transfer hearing and other orders of the panel issued prior to the order either directing or denying transfer shall be filed only in the court of appeals having jurisdiction over the district in which a hearing is to be or has been held. Petitions for an extraordinary writ to review an order to transfer or orders subsequent to transfer shall be filed only in the court of appeals having jurisdiction over the transferee district. There shall be no appeal or review of an order of the panel denying a motion to transfer for consolidated or coordinated proceedings.

62 Stat. 944.

Rules of con-
duct.

"(f) The panel may prescribe rules for the conduct of its business not inconsistent with Acts of Congress and the Federal Rules of Civil Procedure.

28 USC app.

Exemption.

"Antitrust
laws."

"(g) Nothing in this section shall apply to any action in which the United States is a complainant arising under the antitrust laws. 'Antitrust laws' as used herein include those acts referred to in the Act of October 15, 1914, as amended (38 Stat. 730; 15 U.S.C. 12), and also include the Act of June 19, 1936 (49 Stat. 1526; 15 U.S.C. 13, 13a, and 13b) and the Act of September 26, 1914, as added March 21, 1938 (52 Stat. 116, 117; 15 U.S.C. 56); but shall not include section 4A of the Act of October 15, 1914, as added July 7, 1955 (69 Stat. 282; 15 U.S.C. 15a)."

SEC. 2. The analysis to chapter 87 of title 28, United States Code, is amended by inserting the following new section:

"1407. Multidistrict litigation."

after

"1406. Cure or waiver of defects."

Approved April 29, 1968.

Public Law 90-297

AN ACT

April 29, 1968
[S. 2912]

To authorize appropriations for the saline water conversion program for fiscal year 1969, and for other purposes.

Saline water
conversion pro-
gram.

Appropriations.
75 Stat. 629;
81 Stat. 78.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the Saline Water Conversion Act (66 Stat. 328), as amended (42 U.S.C. 1951 et seq.) is further amended to read as follows:

"SEC. 8. There are authorized to be appropriated such sums, to remain available until expended, as may be specified in annual appro-

priation authorization acts (a) to carry out the provisions of this Act during the fiscal years 1962 to 1972, inclusive; (b) to finance, for not more than two years beyond the end of said period, such grants, contracts, cooperative agreements, and studies as may theretofore have been undertaken pursuant to this act; and (c) to finance, for not more than three years beyond the end of said period, such activities as are required to correlate, coordinate, and round out the results of studies and research undertaken pursuant to this Act. Effective July 1, 1968, no new commitments shall be made under authority of this Act for cooperation with public or private agencies in foreign countries which require the expenditure of funds appropriated pursuant to this Act, but funds so appropriated shall be available to carry out commitments made before said date."

Foreign commitments, restrictions.

SEC. 2. There is authorized to be appropriated to carry out the provisions of the Saline Water Conversion Act (66 Stat. 328), as amended (42 U.S.C. 1951 et seq.), during fiscal year 1969 the sum of \$24,556,000 as follows:

(a) Research and development operating expenses, not more than \$17,274,000;

(b) Design, construction, acquisition, modification, operation, and maintenance of saline water conversion test beds and test facilities, not more than \$4,292,000;

(c) Design, construction, acquisition, modification, operation, and maintenance of saline water conversion modules, not more than \$1,175,000; and

(d) Administration and coordination, not more than \$1,815,000: *Provided*, That expenditures and obligations under any of these items except the last may be increased by not more than ten per centum if such increase is accompanied by an equal decrease in expenditures and obligations under one or more of the other items, including the last.

SEC. 3. In addition to the sums authorized to be appropriated by this Act, the Secretary may utilize any funds previously appropriated for this program which are not obligated on June 30, 1968, subject to the dollar limitations applicable to the fiscal year 1968 program.

Approved April 29, 1968.

Public Law 90-298

AN ACT

April 29, 1968
[H. R. 9473]

To amend provisions of the Shipping Act, 1916, to authorize the Federal Maritime Commission to permit a common carrier by water in foreign commerce or conference of such carriers to refund a portion of the freight charges.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 18(b) of the Shipping Act, 1916 (46 U.S.C. 817(b)), is amended by changing the period at the end of subsection (3) thereof to a colon and adding the following proviso: "*Provided, however*, That the Federal Maritime Commission may in its discretion and for good cause shown permit a common carrier by water in foreign commerce or conference of such carriers to refund a portion of freight charges collected from a shipper or waive the collection of a portion of the charges from a shipper where it appears that there is an error in a tariff of a clerical or administrative nature or an error due to inadvertence in failing to file a new tariff and that such refund or waiver will not result in discrimination among shippers: *Provided further*, That the common carrier by water in foreign commerce or conference of such carriers has, prior to applying for authority to make refund, filed a new tariff with the Federal Maritime Commission which sets forth the rate on which such refund or

Vessels.
Freight charges.
75 Stat. 764.

waiver would be based: *Provided further*, That the carrier or conference agrees that if permission is granted by the Federal Maritime Commission, an appropriate notice will be published in the tariff, or such other steps taken as the Federal Maritime Commission may require, which give notice of the rate on which such refund or waiver would be based, and additional refunds or waivers as appropriate shall be made with respect to other shipments in the manner prescribed by the Commission in its order approving the application: *And provided further*, That application for refund or waiver must be filed with the Commission within one hundred and eighty days from the date of shipment."

Approved April 29, 1968.

Public Law 90-299

May 3, 1968
[S. 375]

AN ACT

To amend the Communications Act of 1934 with respect to obscene or harassing telephone calls in interstate or foreign commerce.

Obscene or
harassing tele-
phone calls, pro-
hibition.
48 Stat. 1070.
47 USC 201-222.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title II of the Communications Act of 1934 is amended by adding at the end thereof the following new section:

"OBSCENE OR HARASSING TELEPHONE CALLS IN THE DISTRICT OF COLUMBIA OR IN INTERSTATE OR FOREIGN COMMUNICATIONS

"SEC. 223. Whoever—

"(1) in the District of Columbia or in interstate or foreign communication by means of telephone—

"(A) makes any comment, request, suggestion, or proposal which is obscene, lewd, lascivious, filthy, or indecent;

"(B) makes a telephone call, whether or not conversation ensues, without disclosing his identity and with intent to annoy, abuse, threaten, or harass any person at the called number;

"(C) makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number; or

"(D) makes repeated telephone calls, during which conversation ensues, solely to harass any person at the called number; or

"(2) knowingly permits any telephone under his control to be used for any purpose prohibited by this section, shall be fined not more than \$500 or imprisoned not more than six months, or both."

Penalty.

68 Stat. 64.

SEC. 2. Section 3(e) of the Communications Act of 1934 (47 U.S.C. 153(e)) is amended by inserting "(other than section 223 thereof)" immediately after "title II of this Act".

Approved May 3, 1968.

Public Law 90-300

AN ACT

May 4, 1968
[H. R. 15344]

To amend section 14(b) of the Federal Reserve Act, as amended, to extend for two years the authority of Federal Reserve banks to purchase United States obligations directly from the Treasury.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 14(b) of the Federal Reserve Act, as amended (12 U.S.C. 355), is amended by striking out "July 1, 1968" and inserting in lieu thereof "July 1, 1970" and by striking out "June 30, 1968" and inserting in lieu thereof "June 30, 1970".

Federal Reserve
Act, amendment.
80 Stat. 235.

Approved May 4, 1968.

Public Law 90-301

AN ACT

May 7, 1968
[H. R. 10477]

To amend chapter 37 of title 38 of the United States Code with respect to the veterans' home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1810(c) of title 38, United States Code, is amended by striking out "\$7,500" and inserting in lieu thereof "\$12,500".

Veterans' Ad-
ministration.
Home loans.

(b) Paragraph (2) of section 1811(d) of such title is amended by striking out "\$7,500" each time it occurs and inserting in lieu thereof "\$12,500".

SEC. 2. (a) Section 1810(b) of title 38, United States Code, is amended—

(1) by amending paragraph (5) thereof to read as follows:

"(5) the loan to be paid by the veteran for such property or for the cost of construction, repairs, or alterations, does not exceed the reasonable value thereof as determined by the Administrator; and," and

(2) by adding at the end thereof the following new sentence: "After the reasonable value of any property, construction, repairs, or alterations is determined under paragraph (5), the Administrator shall, as soon as possible thereafter, notify the veteran concerned of such determination."

(b) Section 1822(a) of such title is amended by striking out "section 1810, 1812, 1813, or 1818 of this title, or made under section 1811 or 1818" and inserting in lieu thereof "section 1812 or 1813".

SEC. 3. (a) Notwithstanding the provisions of sections 203(b)(5), 207(c)(3), 213(d), 220(d)(4), 220(h)(2)(iii), 221(d)(5), 231(c)(6), 232(d)(3)(B), 234(f), and 1101(c)(4) of the National Housing Act regarding the maximum interest rates which the Secretary of Housing and Urban Development may establish for certain mortgage insurance programs authorized by that Act, the Secretary is authorized, until October 1, 1969, to set the maximum interest rates for such programs at not to exceed such per centum per annum on the amount of the principal obligation outstanding at any time as he finds necessary to meet the mortgage market, and during that time the interest rates so set shall be deemed to be for all purposes the interest rates in effect under the provisions of said section 203(b)(5) and the other sections referred to above: *Provided*, That in determining the rate to

12 USC 1709
et seq.

be applicable for the said section 203(b)(5) program, the Secretary shall consult with the Administrator of Veterans' Affairs regarding the rate which the Administrator considers necessary to meet the mortgage market for guaranteed or insured home loans to veterans under chapter 37 of title 38, United States Code.

38 USC 1801.

12 USC 1713.

(b) Section 207(c)(3) of the National Housing Act is amended by inserting before the period at the end of the first sentence of the second paragraph the following: “, or not to exceed such per centum per annum not in excess of 6 per centum as the Secretary finds necessary to meet the mortgage market”.

12 USC 1715e.

(c) Section 213(d) of such Act is amended by striking “, except that” and all that follows preceding the period at the end of the first sentence and inserting in lieu thereof “on the amount of the principal obligation outstanding at any time, or not to exceed such per centum per annum not in excess of 6 per centum as the Secretary finds necessary to meet the mortgage market”.

12 USC 1715v.

(d) Section 231(c)(6) of such Act is amended by striking “or not to exceed” and all that follows preceding the semicolon and inserting in lieu thereof “or not to exceed such per centum per annum not in excess of 6 per centum as the Secretary finds necessary to meet the mortgage market”.

12 USC 1715y.

(e) Section 234(f) of such Act is amended by inserting before the period at the end of the first sentence the following: “, or not to exceed such per centum per annum not in excess of 6 per centum as the Secretary finds necessary to meet the mortgage market”.

Mortgage credit
interest rates.

SEC. 4. (a) The Congress finds that the national goal of “a decent home and a suitable living environment for every American family” cannot be reached unless there is an adequate supply of mortgage credit at rates of interest the American family can afford; that in recent years this credit has been available only at unreasonably high rates of interest, up as much as 50 per centum in the last three years; that for a moderate income family the cost of financing a home now is greater than the combined cost of land, labor, and construction material; that under existing constitutional arrangements our monetary and fiscal policies seem to be inadequate to cope with these high finance charges; that many financial institutions tend to withdraw from the mortgage market during tight money periods; that the purpose of Government ceilings seems to be thwarted by insidious discount points; that there exists in the public and private sections of the economy the resources and capabilities necessary to eliminate the problems; and that new and more effective ways should be explored to exploit the power of Government and the economic resources of our Nation to resolve this difficult problem.

Study commis-
sion.

(b) There is hereby established a commission to study mortgage interest rates and to make recommendations to assure the availability of an adequate supply of mortgage credit at a reasonable cost to the consumer (hereinafter referred to as the “Commission”) which shall be comprised of fifteen members as follows:

(1) The chairman and ranking minority member of the Banking and Currency Committee of the United States Senate.

(2) The chairman and ranking minority member of the Banking and Currency Committee of the House of Representatives.

(3) The chairman and the ranking minority member of the Committee on Veterans' Affairs of the House of Representatives.

(4) Two members appointed by the President of the Senate, one from the majority party and one from the minority party other than those referred to in paragraph (1).

(5) Two members appointed by the Speaker of the House of Representatives, one from the majority party and one from the minority party other than those referred to in paragraphs (2) and (3).

(6) Five members appointed by the President, at least three of whom will be public members representing the consumer.

(c) A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) The Chairman of the Commission shall be designated by the President.

(e) Eight members of the Commission shall constitute a quorum, but a lesser number may conduct hearings.

(f) The Commission shall undertake a comprehensive study and make recommendations on—

(1) The necessity for statutory or administrative controls over interest rates in connection with Government-assisted mortgages;

(2) The appropriate level for such interest rates to enable low- and moderate-income families to afford decent housing;

(3) Ways to assure the availability of an adequate supply of mortgage credit to produce the volume of housing required to meet the goals set forth in housing and urban development laws; and

(4) The institutional changes, through legislation, administration, or tax incentives, that can be made among the Nation's financial institutions to encourage them to make available a larger share of capital funds for home financing purposes.

(g) Said report of the Commission shall be made by April 1, 1969, so as to enable the President, Congress, and the Secretary of Housing and Urban Development to take necessary action before October 1, 1969, when the authorization for the increase in interest rates above present statutory ceilings will expire.

Study commission report.

(h) The Commission is authorized to secure directly from any department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the executive branch of the Federal Government information, suggestions, estimates, and statistics for the purposes of its work; and each department, bureau, agency, board, commission, office, independent establishment, or instrumentality is authorized to furnish such information, suggestions, estimates, and statistics to the extent permitted by law and within available funds.

(i) The members of the Commission specified in paragraphs (1) through (4) of subsection (a) shall serve without additional compensation. The members of the Commission appointed under paragraph (5) of subsection (a) shall receive \$75 per diem when engaged in the performance of the duties of the Commission. All members of the Commission shall receive reimbursement for necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Commission.

Post, p. 1001.

Traveling expenses.

(j) The Secretary of Housing and Urban Development shall designate the Executive Director of the Commission. Financial and administrative services (including those relating to budgeting, accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the Department of Housing and Urban Development, for which payment shall be made in advance, or by reimbursement, from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and said Department.

Executive Director of commission.

(k) The Commission shall have power to appoint and fix the compensation of such additional personnel as may be necessary to carry out its duties, without regard to the provisions of the civil service laws and the Classification Act of 1949.

63 Stat. 954.
5 USC 5101
et seq.

(l) The Commission may also procure, without regard to the civil service laws and the Classification Act of 1949, temporary and intermittent services to the same extent as is authorized for the executive departments by section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a) but at rates not to exceed \$50 per diem for individuals.

5 USC 3109.

(m) To the extent of available appropriations, the Commission may obtain, by purchase, rental, donation, or otherwise, such additional property, facilities, and services as may be needed to carry out its duties.

Appropriation.

(n) There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out this section.

Commission termination.

(o) The Commission shall cease to exist sixty days after the submission of its final report.

38 USC 1801.

SEC. 5. (a) Chapter 37 of title 38, United States Code, is amended by adding at the end thereof the following new section:

“§ 1827. Expenditures to correct or compensate for structural defects in mortgaged homes

“(a) The Administrator is authorized, with respect to any property improved by a one- to four-family dwelling inspected during construction by the Veterans’ Administration or the Federal Housing Administration which he finds to have structural defects seriously affecting the livability of the property, to make expenditures for (1) correcting such defects, (2) paying the claims of the owner of the property arising from such defects, or (3) acquiring title to the property; except that such authority of the Administrator shall exist only (A) if the owner requests assistance under this section not later than four years (or such shorter time as the Administrator may prescribe) after the mortgage loan was made, guaranteed, or insured, and (B) if the property is encumbered by a mortgage which is made, guaranteed, or insured under this chapter after the date of enactment of this section.

Expenditures.

“(b) The Administrator shall by regulation prescribe the terms and conditions under which expenditures and payments may be made under the provisions of this section, and his decisions regarding such expenditures or payments, and the terms and conditions under which the same are approved or disapproved, shall be final and conclusive, and shall not be subject to judicial review.

“(c) The Administrator is authorized to make expenditures for the purposes of this section from the funds established pursuant to sections 1823 and 1824 of this title, as applicable.”

(b) The analysis of chapter 37 of title 38, United States Code, is amended by adding at the end thereof the following:

“1827. Expenditures to correct or compensate for structural defects in mortgaged homes.”

Approved May 7, 1968.

Public Law 90-302

AN ACT

To amend the National School Lunch Act to strengthen and expand food service programs for children, and for other purposes.

May 8, 1968

[H. R. 15398]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the National School Lunch Act (42 U.S.C. 1752) is amended by striking out "section 11" and inserting in lieu thereof "sections 11 and 13". Appropriations shall be considered Health, Education, and Welfare functions for budget purposes rather than functions of Agriculture.

National School
Lunch Act,
amendment.
76 Stat. 944.

SEC. 2. (a) Section 6 of the National School Lunch Act (42 U.S.C. 1755) is amended by inserting "except section 13" immediately after "Act," where it first appears.

60 Stat. 231.

(b) Section 9 of such Act is amended by inserting before the period at the end of the first sentence the following: "; except that such minimum nutritional requirements shall not be construed to prohibit the substitution of foods to accommodate the medical or other special dietary needs of individual students".

42 USC 1758.

SEC. 3. The National School Lunch Act is amended by adding at the end of the Act the following new section:

42 USC 1751
note.

"SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

"SEC. 13. (a) (1) There is authorized to be appropriated \$32,000,000 for each of the three fiscal years ending June 30, 1969, June 30, 1970, and June 30, 1971, to enable the Secretary to formulate and carry out a pilot program to assist States through grants-in-aid and other means, to initiate, maintain, or expand nonprofit food service programs for children in service institutions. For purposes of this section, the term 'service institutions' means private, nonprofit institutions or public institutions, such as child day-care centers, settlement houses, or recreation centers, which provide day care, or other child care where children are not maintained in residence, for children from areas in which poor economic conditions exist and from areas in which there are high concentrations of working mothers, and includes public and private nonprofit institutions providing day care services for handicapped children.

"(2) Subject to all the provisions of this section, the term 'service institutions' also includes public or private nonprofit institutions that develop special summer programs providing food service similar to that available to children under the National School Lunch or School Breakfast Programs during the school year, including such institutions providing day care services for handicapped children.

"Service insti-
tutions."

"(b) (1) Of the funds appropriated for the purposes of this section for any fiscal year, the Secretary shall reserve 2 per centum for apportionment to Guam, Puerto Rico, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands. Guam, Puerto Rico, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands shall each be paid an amount which bears the same ratio to the total of such reserved funds as the number of children aged three to seventeen, inclusive, in each bears to the total number of children of such ages in all of them.

"(2) From the remainder of the funds appropriated for any fiscal year, the Secretary shall pay to each State such sums as he deems ap-

"State."

appropriate, but not more than \$50,000, as a basic grant. In addition, the Secretary shall allot to each State from the funds remaining after the basic grants have been made an amount which bears the same ratio to such remaining funds as the number of children in that State aged three to seventeen, inclusive, in families with incomes of less than \$3,000 per annum bears to the total number of such children in all the States. For the purposes of this paragraph, the term 'State' does not include Guam, Puerto Rico, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

"(c) (1) Funds paid to any State under this section shall be disbursed by the State educational agency to service institutions, selected on a nondiscriminatory basis by the State educational agency, (A) to reimburse the service institutions for the cost of obtaining agricultural commodities and other foods, and (B) for the purposes of paragraphs (2) and (3) of this subsection. The costs of obtaining agricultural commodities and other foods may include the cost of the processing, distributing, transporting, or handling thereof. Disbursement to participating service institutions shall be made at such rate of reimbursement per meal as the Secretary shall prescribe.

"(2) In circumstances of severe need where the rate per meal established by the Secretary is insufficient to carry on an effective feeding program, the Secretary may authorize financial assistance not to exceed 80 per centum of the operating costs of such a program, including the cost of obtaining, preparing, and serving food. In the selection of institutions to receive assistance under this subsection, the State educational agency shall require the applicant institutions to provide justification of the need for such assistance.

"(3) Not to exceed 25 per centum of the funds paid to any State may be used by the State to assist service institutions by paying not to exceed 75 per centum of the cost of the purchase or rental of equipment, other than land and buildings, for the storage, preparation, transportation, and serving of food to enable the service institutions to establish, maintain, and expand food service under this section.

"(d) If in any State the State educational agency is not permitted by law or is otherwise unable to disburse the funds paid to it under this section to any service institution in the State, the Secretary shall withhold all funds apportioned under this section and shall disburse the funds so withheld directly to service institutions in the State for the same purpose and subject to the same conditions as are required of a State educational agency disbursing funds made available under this section.

Unobligated
funds, availa-
bility.

"(e) Notwithstanding the provisions of any other law, balances of funds appropriated for the purposes of this section and unobligated at the end of any fiscal year shall remain available for obligation during the first three months of the following fiscal year.

"(f) Service institutions to which funds are disbursed under this section shall serve meals consisting of a combination of foods and meeting minimum nutritional standards prescribed by the Secretary on the basis of tested nutritional research. Such meals shall be served without cost or at a reduced cost to children determined by the service institutions to be unable to pay the full cost. In making such determination, service institution authorities should, to the extent practicable, consult with public welfare and health agencies. No physical segrega-

Discrimination,
prohibition.

tion or other discrimination against any child shall be made because of his inability to pay.

“(g) If any State cannot utilize all funds apportioned to it, or if additional funds are made available for apportionment among the States, under this section, the Secretary shall make further apportionments to the remaining States in the manner prescribed in subsection (b).

“(h) (1) The Secretary shall certify to the Secretary of the Treasury from time to time the amounts to be paid to any State under this section of the Act and the time or times such amounts are to be paid; and the Secretary of the Treasury shall pay to the State at the time or times fixed by the Secretary the amounts so certified.

“(2) Each service institution participating under this section shall, insofar as practicable, utilize in its program foods designated from time to time by the Secretary as being in abundance, either nationally or in the institution area, or foods donated by the Secretary. Irrespective of the amount of funds appropriated under this section, foods available under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) or purchased under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), or section 709 of the Food and Agriculture Act of 1965 (7 U.S.C. 1446a-1), may be donated by the Secretary to service institutions in accordance with the needs as determined by authorities of these institutions for utilization in their feeding programs.

68 Stat. 458.
49 Stat. 774.
79 Stat. 1212.

“(3) The value of assistance to children under this section shall not be considered to be income or resources for any purpose under any Federal or State laws, including laws relating to taxation and welfare and public assistance programs. Expenditures of funds from State and local sources for the maintenance of food programs for children shall not be diminished as a result of funds received under this section.

“(4) There is hereby authorized to be appropriated for any fiscal year such sums as may be necessary to the Secretary for his administrative expenses under this section.

“(5) States, State educational agencies, and service institutions participating in programs under this section shall keep such accounts and records as may be necessary to enable the Secretary to determine whether there has been compliance with this section and the regulations hereunder. Such accounts and records shall at all times be available for inspection and audit by representatives of the Secretary and shall be preserved for such period of time, not in excess of five years, as the Secretary determines is necessary.”

Recordkeeping.

SEC. 4. The first sentence of section 7 of the Child Nutrition Act of 1966 (42 U.S.C. 1776) is amended by adding immediately before the period at the end thereof “and under sections 11 and 13 of the National School Lunch Act”. The second sentence of such section 7 is amended by striking out “section 11” and inserting in lieu thereof “sections 11 and 13”.

80 Stat. 888.

SEC. 5. Section 4(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(a)) is amended to read as follows:

School breakfast program.
80 Stat. 886.

“SEC. 4. (a) There is hereby authorized to be appropriated for the fiscal year 1969, \$6,500,000; and for the fiscal year 1970 not to exceed \$10,000,000; and for the fiscal year 1971 not to exceed \$12,000,000 to carry out a program to assist the States through grants-in-aid and other means to initiate, maintain, or expand nonprofit breakfast programs in schools. Appropriations and expenditures for this Act shall be considered Health, Education, and Welfare functions for budget purposes rather than functions of Agriculture.”

Approved May 8, 1968.

Public Law 90-303

May 10, 1968
[S. 1909]

AN ACT

To provide for the striking of medals in commemoration of the one hundredth anniversary of the completion of the first transcontinental railroad.

First transcon-
tinental railroad.
100th anniver-
sary medals.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in commemoration of the one hundredth anniversary of the driving of the golden spike at Promontory, Box Elder County, Utah, on May 10, 1869, signifying the meeting of the Union Pacific Railroad and the Central Pacific Railroad upon completion of the first transcontinental railroad, the Secretary of the Treasury is authorized and directed to strike and furnish to the Golden Spike Centennial Celebration Commission, Washington, District of Columbia, not more than five hundred thousand medals with suitable emblems, devices, and inscriptions to be determined by the Golden Spike Centennial Celebration Commission subject to the approval of the Secretary of the Treasury. The medals shall be made and delivered at such times as may be required by the Golden Spike Centennial Celebration Commission in quantities of not less than two thousand, but no medals shall be made after December 31, 1969. The medals shall be considered as national medals within the meaning of section 3551 of the Revised Statutes (31 U.S.C. 368).

SEC. 2. The Secretary of the Treasury shall cause such medals to be struck and furnished at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses, and security, satisfactory to the Director of the Mint, shall be furnished to indemnify the United States for full payment of such costs.

SEC. 3. The medals authorized to be issued pursuant to this Act shall be of such size or sizes and of such metals as shall be determined by the Secretary of the Treasury in consultation with the Golden Spike Centennial Celebration Commission.

Approved May 10, 1968.

Public Law 90-304

May 13, 1968
[H. R. 13176]

AN ACT

To amend the Acts of February 1, 1826, and February 20, 1833, to authorize the State of Ohio to use the proceeds from the sale of certain lands for educational purposes.

State of Ohio.
Sale of lands,
proceeds.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to authorize the Legislature of the State of Ohio to sell the lands heretofore appropriated for the use of the schools in that State," approved February 1, 1826 (4 Stat. 138), is amended to read as follows: "That the Legislature of the State of Ohio may sell all or any part of the lands heretofore reserved and appropriated by Congress for the use of schools within that State and may use the proceeds from the sale of such lands for educational purposes, as the Legislature of the State of Ohio in its discretion shall deem appropriate."

SEC. 2. The Act entitled "An Act to authorize the Legislature of the State of Ohio to sell the land reserved for the support of religion in the Ohio Company's and John Cleaves Symmes' purchases", approved February 2, 1833 (4 Stat. 618), is amended to read as follows: "That the Legislature of the State of Ohio may sell all or any part of the lands heretofore reserved and appropriated by Congress for the sup-

port of religion within the Ohio Company's and John Cleaves Symmes' purchase in the State of Ohio and may use the proceeds from the sale of such lands for educational purposes, as the Legislature of the State of Ohio in its discretion shall deem appropriate."

Approved May 13, 1968.

Public Law 90-305

JOINT RESOLUTION

To designate May 20, 1968, as "Charlotte, North Carolina, Day".

May 13, 1968

[S. J. Res. 131]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 20, 1968, is hereby designated as "Charlotte, North Carolina, Day" in commemoration of the two hundredth anniversary of such city, and the President is authorized and requested to issue a proclamation inviting the people of the United States to observe such day with appropriate ceremonies and activities.

"Charlotte,
North Carolina,
Day."
Designation.

Approved May 13, 1968.

Public Law 90-306

AN ACT

To amend the Act of March 1, 1933 (47 Stat. 1418), entitled "An Act to permanently set aside certain lands in Utah as an addition to the Navajo Indian Reservation, and for other purposes".

May 17, 1968

[S. 391]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of March 1, 1933 (47 Stat. 1418), is amended by deleting all of that part of the last proviso of said section 1 after the word "Utah" and inserting in lieu thereof: "for the health, education, and general welfare of the Navajo Indians residing in San Juan County. Planning for such expenditures shall be done in cooperation with the appropriate departments, bureaus, commissions, divisions, and agencies of the United States, the State of Utah, the county of San Juan in Utah, and the Navajo Tribe, insofar as it is reasonably practicable, to accomplish the objects and purposes of this Act. Contribution may be made to projects and facilities within said area that are not exclusively for the benefits of the beneficiaries hereunder in proportion to the benefits to be received therefrom by said beneficiaries, as may be determined by the State of Utah through its duly authorized officers, commissions, or agencies. An annual report of its accounts, operations, and recommendations concerning the funds received hereunder shall be made by the State of Utah, through its duly authorized officers, commissions, or agencies, to the Secretary of the Interior and to the Area Director of the Bureau of Indian Affairs for the information of said beneficiaries."

Navajo Indian
Reservation,
Utah.
Use of revenue,
expansion.

Report.

Approved May 17, 1968.

Public Law 90-307

May 17, 1968
[H. R. 11527]

AN ACT

To direct the Secretary of Agriculture to release on behalf of the United States conditions in a deed conveying certain lands to the University of Maine and to provide for conveyance of certain interests in such lands so as to permit such university, subject to certain conditions, to sell, lease, or otherwise dispose of such lands.

University of
Maine.
Land convey-
ance.
50 Stat. 526;
56 Stat. 725.

Proceeds of
sale, conditions.

Mineral inter-
ests, determina-
tion and sale.

Conveyance
deposit.

"Administrative
costs."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That, notwithstanding the provisions of subsection (c) of section 32 of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1011(c)), the Secretary of Agriculture is authorized and directed to release on behalf of the United States with respect to lands designated pursuant to section 2 hereof, the conditions, contained in a deed, dated March 4, 1955, conveying certain lands in Penobscot County, Maine, to the University of Maine, which require that the lands conveyed be used for public purposes and provide for a reversion of such lands to the United States if at any time they cease to be so used.

SEC. 2. The Secretary shall release the conditions referred to in the first section of this Act only with respect to lands covered by and described in an agreement or agreements entered into between the Secretary and the university in which the university, in consideration of the release of such conditions as to such lands, agrees—

(1) that all the proceeds from the sale, lease, exchange, or other disposition of such lands shall be used by the university for the acquisition of lands to be held permanently for university purposes.

(2) that all the proceeds from the sale, lease, or other disposition of lands covered by any such agreement shall be maintained by the university in a separate fund and that the record of all transactions involving such fund shall be open to inspection by the Secretary of Agriculture.

SEC. 3. Upon application all the undivided mineral interests of the United States in any parcel or tract of land released pursuant to this Act from the conditions as to such lands shall be conveyed to the University of Maine or their successors in title by the Secretary of the Interior. In areas where the Secretary of the Interior determines that there is no active mineral development or leasing, and that the lands have no mineral value, the mineral interests covered by a single application shall be sold for a consideration of \$1. In other areas the mineral interests shall be sold at the fair market value thereof as determined by the Secretary of the Interior after taking into consideration such appraisals as he deems necessary or appropriate.

SEC. 4. Each application made under the provisions of this Act shall be accompanied by a nonrefundable deposit to be applied to the administrative costs as fixed by the Secretary of the Interior. If the conveyance is made, the applicant shall pay to the Secretary of the Interior the full administrative costs, less the deposit. If a conveyance is not made pursuant to an application filed under this Act, the deposit shall constitute full satisfaction of such administrative costs notwithstanding that the administrative costs exceed the deposit.

SEC. 5. The term "administrative costs" as used in this Act includes, in addition to other items, all costs which the Secretary of the Interior determines are included in a determination of (1) the mineral character of the land in question, and (2) the fair market value of the mineral interest.

SEC. 6. Amounts paid to the Secretary of the Interior under the provisions of this Act shall be paid into the Treasury of the United States as miscellaneous receipts.

Approved May 17, 1968.

Public Law 90-308

AN ACT

May 17, 1968
[S. 1119]

To grant minerals, including oil and gas, on certain lands in the Crow Indian Reservation, Montana, to certain Indians, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Act of June 4, 1920 (41 Stat. 751), as amended by the Act of May 26, 1926 (44 Stat. 658), as further amended by the Act of September 16, 1959 (73 Stat. 565), is hereby amended to read as follows:

Crow Indian
Reservation,
Mont.
Mineral rights.

"SEC. 6. (a) Any and all minerals, including oil and gas, on any of the lands to be allotted hereunder are reserved in perpetuity for the benefit of the members of the tribe in common and may, with the consent of the tribal council be leased for mining purposes in accordance with the provisions of the Act of May 11, 1938 (52 Stat. 347; 25 U.S.C. 396a-f), under such rules, regulations, and conditions as the Secretary of the Interior may prescribe: *Provided*, That leases entered into pursuant to section 6 of the Act of June 4, 1920 (41 Stat. 751), as amended by the Act of May 26, 1926 (44 Stat. 658), may with the consent of the tribal council and under such rules, regulations, and conditions as the Secretary of the Interior may prescribe, be renegotiated and amended to change the terms thereof to ten years and as long thereafter as minerals are produced in paying quantities."

Approved May 17, 1968.

Public Law 90-309

AN ACT

May 17, 1968
[S. 2745]

To provide for the observance of the centennial of the signing of the 1868 Treaty of Peace between the Navajo Indian Tribe and the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is requested (1) to issue a proclamation designating the calendar year 1968 as the centennial of the signing of the 1868 Treaty of Peace between the Navajo Indian Tribe and the United States, and calling upon the Governors of the States, mayors of cities, and other public officials, as well as other persons, organizations, and groups, to observe such centennial by appropriate celebrations and ceremonies and (2) to provide, in such manner as he deems appropriate, for participation by Federal agencies and officials in such observance.

Navajo Indian
Peace treaty.
Centennial.

15 Stat. 667.

SEC. 2. The President of the Senate is authorized to appoint eight Members of the Senate, and the Speaker of the House of Representatives is authorized to appoint eight Members of the House of Representatives, to represent the Congress in connection with observances and activities of the Navajo Indian Tribe commemorating the historic events that preceded, and are associated with, the signing of the 1868 Treaty of Peace between the Navajo Indian Tribe and the United States.

Observances,
congressional
representatives.

Approved May 17, 1968.

Public Law 90-310

AN ACT

May 18, 1968
[S. 1173]

To convey certain federally owned lands to the Cheyenne and Arapaho Tribes of Oklahoma.

Cheyenne and
Arapaho Tribes,
Okla.
Land convey-
ance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, all right, title, and interest of the United States in and to the following described land, and improvements thereon, are hereby conveyed to the Cheyenne and Arapaho Tribes of Oklahoma:

All of the northwest quarter section 18, township 12 north, range 16 west, Indian meridian, Custer County, State of Oklahoma, except approximately thirty-one and twenty-five-hundredths acres located in the easterly part of the east half northwest quarter described as follows:

Beginning at a point 259 feet west of the northeast corner of the east half northwest quarter section 18, township 12 north, range 16 west, thence west along the north section line of said section 18 for a distance of 426 feet; thence south 1 degree 20 minutes west for a distance of 1,487 feet; thence south 88 degrees 20 minutes east for a distance of 284 feet; then south 0 degree 50 minutes west for a distance of 987.5 feet; thence south 42 degrees 54 minutes west for a distance of 223.9 feet to the east-west quarter section line of said section 18; thence east along said quarter section line for a distance of 570 feet to the southeast corner of said northwest quarter of section 18; thence north 0 degree 43 minutes east along the north-south quarter section line for a distance of 2,315 feet; thence west for a distance of 259 feet; thence north 0 degree 43 minutes east for a distance of 325 feet to the point of beginning.

Nonexemption
to taxation.

SEC. 2. The title of the tribes to the land conveyed pursuant to this Act shall be subject to no exemption from taxation or restriction on use, management, or disposition because of Indian ownership.

SEC. 3. This conveyance is subject to existing rights-of-way for waterlines, electric transmission lines, roads, and railroads.

Claims.

SEC. 4. The Indian Claims Commission is directed to determine, in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

25 USC 70a.

Approved May 18, 1968.

Public Law 90-311

AN ACT

May 18, 1968
[S. 1946]

To amend the repayment contract with the Foss Reservoir Master Conservancy District, and for other purposes.

Foss Reservoir
Master Conserv-
ancy District.
Feasibility
studies.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to conduct feasibility studies in the areas serving the Foss Reservoir Master Conservancy District to determine alternative water sources and the most practicable and feasible methods of alleviating the problems associated with the poor quality and supply of water stored in Foss Reservoir, Washita River Basin project, Oklahoma.

SEC. 2. In order to assist the Foss Reservoir Master Conservancy District in developing an adequate interim water supply, the Secretary of the Interior is authorized to relieve the District (1) of the obligation of making any further construction charge payments under its repayment contract with the United States, numbered 14-06-500-322, dated February 14, 1958, as amended, and (2) of any interest accrual on its total obligation, until initial delivery of water is made which the Secretary considers to be satisfactory for municipal and industrial use. The Secretary is also authorized (a) to refund to the District the amount of \$218,364.62, representing the amount already paid under such contract and to revise such contract by adding such amount to the obligation for future payment, (b) to further revise such contract so that further payments on its construction charge obligation will be rescheduled in a manner satisfactory to the Secretary over a period not to exceed fifty years from the date of the aforementioned delivery of water, and (c) to cancel any penalties which have accrued on any unpaid matured construction charge payments.

SEC. 3. The Secretary of the Interior may use any funds that are otherwise available to him to carry out this Act.

Approved May 18, 1968.

Public Law 90-312

AN ACT

To declare a portion of Boston Inner Harbor and Fort Point Channel nonnavigable.

May 18, 1968

[H. R. 14681]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That that portion of Boston Inner Harbor and Fort Point Channel in Suffolk County, Commonwealth of Massachusetts, lying within the following described area is hereby declared to be not a navigable water of the United States within the meaning of the laws of the United States: Beginning at the intersection of the northeasterly sideline of Northern Avenue and the westerly United States Pierhead Line of the Fort Point Channel and running northwesterly by the northeasterly sideline of Northern Avenue to the westerly sideline of Atlantic Avenue; thence turning and running northerly and northwesterly by the westerly sideline of Atlantic Avenue and of Commercial Street to the southeasterly sideline of Hanover Street; thence turning and running northeasterly by the southeasterly sideline of Hanover Street to the southwesterly property line of the United States Coast Guard Base; thence turning and running southeasterly by the southwesterly property line of the United States Coast Guard Base to the southeasterly property line of the United States Coast Guard Base; thence turning and running northeasterly by the southeasterly property line of the United States Coast Guard Base extended to the United States Pierhead Line; thence turning and running southeasterly, southerly and southwesterly by the United States Pierhead Line, to the point of beginning.

Approved May 18, 1968.

Boston Inner
Harbor and Fort
Point Channel,
Mass.

Public Law 90-313

May 22, 1968

[S. J. Res. 129]

JOINT RESOLUTION

To authorize the Secretary of Transportation to conduct a comprehensive study and investigation of the existing compensation system for motor vehicle accident losses, and for other purposes.

Whereas Congress finds that suffering and loss of life resulting from motor vehicle accidents and the consequent social and economic dislocations are critical national problems; and

Whereas there is growing evidence that the existing system of compensation for such loss and suffering is inequitable, inadequate, and insufficient and is unresponsive to existing social, economic, and technological conditions; and

Whereas there is needed a fundamental reevaluation of such system, including a review of the role and effectiveness of insurance and the existing law governing liability; and

Whereas meaningful analysis requires the collection and evaluation of data not presently available such as the actual economic impact of motor vehicle injuries, the relief available both from public and private sources, and the role and effectiveness of rehabilitation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Transportation (hereinafter referred to as the "Secretary"), in cooperation with those other Federal agencies which possess relevant competencies, as provided in section 4, is authorized and directed to conduct a comprehensive study and investigation of all relevant aspects of the existing motor vehicle accident compensation system. Such study and investigation shall include consideration of the following—

(1) the inadequacies of such existing compensation system in theory and practice;

(2) the public policy objectives to be realized by such a system, including an analysis of the costs and benefits, both monetary and otherwise;

(3) the most effective means for realizing such objectives;

(4) the oftentimes arbitrary and capricious cancellation or refusal to renew automobile insurance policies or the refusal to issue such policies without stated cause;

(5) the constant and costly increases in premiums for automobile insurance;

(6) the disparity between the amounts paid as premiums and the amounts paid out for claims;

(7) the frequent insolvencies of companies engaged in providing automobile insurance;

(8) long delays in processing and paying claims arising out of motor vehicle accidents; and

(9) the efficiency and adequacy of present State insurance regulatory institutions.

(b) The Secretary shall submit to the President and to the Congress interim reports from time to time and a final report not later than twenty-four months after the date of enactment of this joint resolution. Such final report shall contain a detailed statement of the findings, conclusions, and recommendations of the Secretary, and may propose such legislation or other action as the Secretary considers necessary to carry out his recommendations.

Motor vehicle
accident compen-
sation system.
Study.

Reports to
President and
Congress.

ADMINISTRATIVE POWERS

SEC. 2. In order to carry out his functions under this joint resolution, the Secretary is authorized to—

(1) appoint and fix the compensation of such employees as he deems necessary without regard to the provisions of title 5, United States Code, governing appointment in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, but at rates for individuals not to exceed \$100 per diem;

(3) enter into contracts with corporations, business firms, institutions, and individuals for the conduct of research and surveys and the preparation of reports; and

(4) appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive services, such advisory committees, representative of the divergent interests involved, as he deems appropriate for the purpose of consultation with and advice to the Secretary.

Members of advisory committees appointed under paragraph (4) of this section, other than those regularly employed by the Federal Government, while attending meetings of such committees or otherwise serving at the request of the Secretary, may be compensated at rates to be fixed by the Secretary but not exceeding \$100 per day, and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently. Members of such advisory committees shall, for the purposes of chapter 11, title 18, United States Code, be deemed to be special Government employees.

Personnel.

5 USC 5101-5115; 5331-5338.

80 Stat. 416.

Contracts.

Advisory committees.

76 Stat. 1119.
18 USC 201-224.

COOPERATION OF FEDERAL AGENCIES

SEC. 3. (a) The Secretary is authorized to request from any department, agency, or independent instrumentality of the Government any information he deems necessary to carry out his functions under this joint resolution; and each such department, agency, or independent instrumentality is authorized and directed to cooperate with the Secretary and to furnish such information to the Department of Transportation upon request made by the Secretary.

Information.

(b) The head of any Federal department, agency, or independent instrumentality is authorized to detail, on a reimbursable basis, any personnel of such department, agency, or independent instrumentality to assist in carrying out the duties of the Secretary under this joint resolution.

Detail of personnel.

INTERAGENCY ADVISORY COMMITTEE

SEC. 4. The President shall appoint an Interagency Advisory Committee on Compensation for Motor Vehicle Accident Losses consisting of the Secretary who shall be Chairman and one representative each of the Departments of Commerce, Justice, Labor, Health, Education, and Welfare, and Housing and Urban Development, the Federal Trade Commission, the Interstate Commerce Commission, and the Securities and Exchange Commission, and such other Federal agencies as are designated by the President. Such members shall, to the extent possible,

be persons knowledgeable in the field of compensation for motor vehicle accident losses. The Advisory Committee shall advise the Secretary on the preparation for and the conduct of the study authorized by this joint resolution.

HEARINGS AND PRODUCTION OF DOCUMENTARY EVIDENCE

Subpena power,
etc.

SEC. 5. (a) For the purpose of carrying out the provisions of this joint resolution the Secretary, or on the authorization of the Secretary any officer or employee of the Department of Transportation, may hold such hearings, take such testimony, sit and act at such times and places, administer such oaths, and require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, papers, correspondence, memorandums, contracts, agreements, or other records as the Secretary, or such officer or employee, deems advisable.

Access to evidence.

(b) In order to carry out the provisions of this joint resolution, the Secretary or his duly authorized agent shall at all reasonable times have access to, and for the purposes of examination the right to copy, any documentary evidence of any corporation, business firm, institution, or individual having materials or information relevant to the study authorized by this joint resolution.

Filing of reports.

(c) The Secretary is authorized to require, by general or special orders, any corporation, business firm, or individual or any class of such corporation, firms, or individuals to file, in such form as the Secretary may prescribe, reports or answers in writing to specific questions relating to the study authorized by this joint resolution. Such reports and answers shall be made under oath or otherwise, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe.

Compliance order.

(d) Any of the district courts of the United States within the jurisdiction of which an inquiry is carried on may, in case of contumacy or refusal to obey a subpoena or order of the Secretary or such officer or employee issued under subsection (a) or subsection (c) of this section, issue an order requiring compliance therewith; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

Witnesses, compensation.

(e) Witnesses summoned pursuant to this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

Confidential information.

(f) Any information which is reported to or otherwise obtained by the Secretary or such officer or employee under this section and which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code, shall not be disclosed except to other officers or employees of the Federal Government for their use in carrying out this joint resolution. Nothing in the preceding sentence shall authorize the withholding of information by the Secretary (or any officer or employee under his control) from the duly authorized committees of the Congress.

62 Stat. 791.

TERMINATION

SEC. 6. The authority of the Secretary under this joint resolution shall terminate ninety days after the submission of his final report under subsection (b) of the first section.

APPROPRIATIONS AUTHORIZED

SEC. 7. There are hereby authorized to be appropriated, without fiscal year limitation, such sums, not to exceed \$2,000,000, as may be necessary to carry out the provisions of this joint resolution.

Approved May 22, 1968.

Public Law 90-314

AN ACT

To amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations.

May 23, 1968
[H. R. 14940]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the second sentence of section 49(a) of the Arms Control and Disarmament Act, as amended (22 U.S.C. 2589(a)), is amended by inserting immediately after "\$30,000,000", the following: ", and for the two fiscal years 1969 through 1970, the sum of \$18,500,000,".

Arms Control
and Disarmament
Act, amendment.
79 Stat. 118.

(b) Section 49(a) of such Act is amended by inserting at the end thereof a new sentence as follows: "Notwithstanding any other provision of this Act, not more than \$7,000,000 of the funds appropriated pursuant to the preceding sentence for fiscal years 1969 through 1970 may be used for the purpose of research, development, and other studies conducted in whole or in part outside the Agency, whether by other government agencies or by public or private institutions or persons: *Provided*, That this limitation shall not apply to field test activities conducted pursuant to the authority of this Act."

Approved May 23, 1968.

Public Law 90-315

AN ACT

To increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior.

May 24, 1968
[S. 3033]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That there is hereby authorized to be appropriated for fiscal years 1969 and 1970 the sum of \$59,000,000 for continuing the work in the Missouri River Basin to be undertaken by the Secretary of the Interior pursuant to the comprehensive plan adopted by section 9(a) of the Act approved December 22, 1944 (Public Law Numbered 534, Seventy-eighth Congress), as amended and supplemented by subsequent Acts of Congress. No part of the funds hereby authorized to be appropriated shall be available to initiate construction of any unit of the Missouri River Basin project, whether included in said comprehensive plan or not.

Missouri River
Basin.
Appropriation
authorization, in-
crease.

58 Stat. 891;
81 Stat. 228.

Approved May 24, 1968.

Public Law 90-316

JOINT RESOLUTION

May 24, 1968
[H. J. Res. 1234]

To provide for the issuance of a gold medal to the widow of the late Walt Disney and for the issuance of bronze medals to the California Institute of the Arts in recognition of the distinguished public service and the outstanding contributions of Walt Disney to the United States and to the world.

Whereas Walt Disney's life personified the American dream and his rags-to-riches story demonstrated that the United States of America remains the land of opportunity; and

Whereas Walt Disney, "the most significant figure in graphic arts since Leonardo," pioneered motion picture cartoons, produced spectacular feature films, and created fascinating nature studies bringing joy and pleasure to children of all ages; and

Whereas Walt Disney developed one of the wonders of the modern world, Disneyland, a fabulous park where happiness reigns and where one can relive the Nation's past as well as step into the future; and

Whereas Walt Disney was a great humanitarian, a "teacher of human compassion and kindness," a master entrepreneur, a great conservationist; and

Whereas Walt Disney's masterful touch contributed so significantly to the success of exhibits of the United States, including those at the New York and Brussels World's Fairs; and

Whereas Walt Disney, always an outstanding patriot, during World War II devoted 95 per centum of the production of his studios to the armed services; and

Whereas Walt Disney's vision and work with the Coordinator of Inter-American Affairs did so much to create international friendship and mutual understanding with our neighbors in Latin America; and

Whereas Walt Disney received an unprecedented number of Academy Awards, citations, and honors from governments the world over, industry, civic groups, and universities, which when listed total nearly a thousand; and

Whereas Walt Disney's greatest gifts to mankind were laughter, his steadfast faith in future generations, and his belief that good will ultimately triumphs over evil; and

Whereas Walt Disney's interest in young America is evidenced by his founding of the California Institute of the Arts, a college-level school of the creative and performing arts, which he regarded as his most important contribution to posterity: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition of the distinguished public service and outstanding contributions to the United States and to the world, the President of the United States is authorized to present in the name of the people of the United States and in the name of the Congress to the widow of the late Walt Disney a gold medal, with suitable emblems, devices, and inscriptions to be determined by Walt Disney Productions with the approval of the Secretary of the Treasury. The Secretary shall cause such a medal to be struck and furnished to the President: *Provided*, That the California Institute of the Arts agrees to pay, under terms considered necessary by the Secretary to protect the interests of the United States, all costs incurred in the striking of such medal.

SEC. 2. (a) The Secretary of the Treasury shall strike and furnish to the California Institute of the Arts not more than one hundred thousand duplicate copies of such medal in bronze. The medals shall

Walt Disney.
Commemorative
medal.

Duplicate cop-
ies, limitation.

be considered as national medals within the meaning of section 3551 of the Revised Statutes (31 U.S.C. 368).

(b) The medals provided for in this section shall be made and delivered at such times as may be required by the California Institute of the Arts in quantities of not less than two thousand. The Secretary of the Treasury shall cause such medals to be struck and furnished at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses, and security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for full payment of such costs.

Approved May 24, 1968.

Public Law 90-317

AN ACT

To place in trust status certain lands on the Wind River Indian Reservation in Wyoming.

May 24, 1968
[S. 528]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the right, title, and interest of the United States in and to the following described tracts of land and the improvements thereon on the Wind River Indian Reservation in Wyoming, shall hereafter be held by the United States in trust for the benefit of the Shoshone Indian Tribe and the Arapahoe Indian Tribe of the Wind River Indian Reservation, Wyoming.

Wind River Indian Reservation,
Wyo.
Lands in trust.

Township 1 North, Range 1 East, Wind River Meridian, Wyoming

Tract number 1, section 28, southwest quarter southwest quarter southeast quarter southwest quarter, 2.50 acres;

Tract number 2, section 31, south half southeast quarter northeast quarter northwest quarter, 5.00 acres;

Tract number 3, section 36, west half southwest quarter northwest quarter southwest quarter, southwest quarter northwest quarter northwest quarter southwest quarter, 7.50 acres. Comprising a total of 15.00 acres.

SEC. 2. This conveyance is subject to all valid existing rights-of-way of record.

SEC. 3. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

Approved May 24, 1968.

Claims.

25 USC 70a.

Public Law 90-318

AN ACT

To designate the San Gabriel Wilderness, Angeles National Forest, in the State of California.

May 24, 1968
[S. 2531]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with subsection 3(b) of the Wilderness Act of September 3, 1964 (78 Stat. 891), the area classified as the Devil Canyon-Bear Canyon Primitive Area, with the proposed additions thereto and deletions therefrom, as generally depicted on a map entitled "San Gabriel Wilderness—Pro-

San Gabriel
Wilderness, Calif.
Designation.
16 USC 1132.

posed", dated March 17, 1967, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the San Gabriel Wilderness within and as a part of the Angeles National Forest, comprising an area of approximately thirty-six thousand acres.

Filing of map,
etc.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the San Gabriel Wilderness with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives and such description shall have the same force and effect as if included in this Act: *Provided, however*, That correction of clerical and typographical errors in such legal description and map may be made.

Administration.

SEC. 3. The San Gabriel Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 4. The previous classification of the Devil Canyon-Bear Canyon Primitive Area is hereby abolished.

Approved May 24, 1968.

Public Law 90-319

May 27, 1968
[H. R. 16409]

AN ACT

To amend the District of Columbia Teachers' Salary Act of 1955 to provide salary increases for teachers and school officers in the District of Columbia public schools, and for other purposes.

D.C. Teachers'
Salary Act Amend-
ments of 1968.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "District of Columbia Teachers' Salary Act Amendments of 1968".

SEC. 2. The District of Columbia Teachers' Salary Act of 1955 (D.C. Code, sec. 31-1501 et seq.) is amended as follows:

80 Stat. 1594.

(1) Effective on October 1, 1967, the salary schedule contained in section 1 of such Act (D.C. Code, sec. 31-1501) is amended to read as follows:

(2) Each officer and member receiving basic compensation immediately prior to the first day of the first pay period which begins on or after July 1, 1968, at one of the scheduled service or longevity rates of a salary class or subclass of a salary class in the salary schedule shall receive a rate of basic compensation at the corresponding rate in effect on such day.

(b) Initial advancement to longevity steps shall be made, as of the effective date of this Act, in the following manner:

Longevity step
increases.

(1) An officer or member who was serving in salary class 1 immediately prior to such date and who on such date had completed at least 10 but less than 13 years of service as a private shall be advanced to longevity step A in such salary class and such service shall be credited to him for advancement to longevity step B in such salary class under section 401 of the District of Columbia Police and Firemen's Salary Act of 1958.

Post, p. 144.

(2) An officer or member who was serving in salary class 1 immediately prior to such date and who on such date had completed at least 13 but less than 16 years of service as a private shall be advanced to longevity step B in such salary class and such service shall be credited to him for advancement to longevity step C in such salary class under section 401 of the District of Columbia Police and Firemen's Salary Act of 1958.

(3) An officer or member who was serving in salary class 1 immediately prior to such date and who on such date had completed at least 16 years of service as a private shall be advanced to longevity step C in such salary class.

(4) An officer or member who was serving in service step 4 of salary class 2, 3, or 4 immediately prior to such date and who on such date had completed at least 156 but less than 208 calendar weeks of continuous active service in such step in such salary class shall be advanced to longevity step A in such salary class and such service shall be credited to him for advancement to longevity step B in such salary class under section 401 of the District of Columbia Police and Firemen's Salary Act of 1958.

(5) An officer or member who was serving in longevity step 7 of salary class 2, 3, or 4 immediately prior to such date and who on such date had completed at least 156 but less than 208 calendar weeks of continuous active service in such step in such salary class shall be advanced to longevity step B in such salary class and such service shall be credited to him for advancement to longevity step C in such salary class under section 401 of the District of Columbia Police and Firemen's Salary Act of 1958.

(6) An officer or member who was serving in longevity step 8 of salary class 2, 3, or 4 immediately prior to such date and who on such date had completed at least 156 calendar weeks of continuous active service in such step in such salary class shall be advanced to longevity step C in such salary class.

(7) An officer or member who was serving in service step 4 of salary class 5, 6, 7, 8, or 9 immediately prior to such date and who on such date had completed at least 156 but less than 208 calendar weeks of continuous active service in such step in such salary class shall be advanced to longevity step A in such salary class and such service shall be credited to him for advancement to longevity step B in such salary class under section 401 of the District of Columbia Police and Firemen's Salary Act of 1958.

(8) An officer or member who was serving in longevity step 7 of salary class 5, 6, 7, 8, or 9 immediately prior to such date and

who on such date had completed at least 156 calendar weeks of continuous active service in such step in such salary class shall be advanced to longevity step B in such salary class.

Each such officer or member shall receive the appropriate scheduled rate of basic compensation for the longevity step to which he was advanced under this subsection. In computing the service of an officer or member for purposes of this subsection, only periods of satisfactory service as an officer or member and periods of satisfactory service in the Armed Forces of the United States shall be included.

Conditions for
step increases.
72 Stat. 484.

SEC. 3. Section 401 (a) of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4-832(a)) is amended to read as follows:

"SEC. 401. (a) In recognition of long and faithful service, each officer and member, except the Chief of Police and Fire Chief, shall receive an amount (to be known as a longevity step increase) in addition to the rate of compensation prescribed in the salary schedule in section 101 for the maximum scheduled service step in the subclass of the salary class in which he is serving, or for the salary class in which he is serving if there are no subclasses in his salary class, for each 156 calendar weeks of continuous service completed by him following the effective date of this subsection at such maximum rate or at a rate in excess thereof, without change to a higher salary class, subject to all of the following conditions:

Ante, pp. 141,
142.

"(1) No officer or member shall receive more than one longevity step increase for any 156 calendar weeks of continuing service, and in order to be eligible therefor he shall have a current performance rating of 'satisfactory' or better.

"(2) Not more than three successive longevity step increases may be granted to any officer or member in salary classes 1 through 4, nor more than two successive longevity step increases may be granted to any officer or member in salary classes 5 through 9.

"(3) In the case of officers or members serving in salary class 1, each longevity step increase shall be equal to the increment between service step 4 and service step 5. In the case of officers or members serving in the other salary classes, each longevity step increase shall be equal to one step increase of the salary class or subclass of a salary class in which the officer or member is serving.

"(4) Each longevity step increase shall begin on the first day of the first pay period following completion of each 156 weeks."

Detectives, con-
tinuation of
status.

SEC. 4. The Commissioner of the District of Columbia (or his delegate) may not as a part of any reorganization of the Metropolitan Police force or through any other administrative action—

(1) change the title of the positions of Detective and Detective Sergeant in salary classes 3 and 4, respectively, of the salary schedule contained in section 101 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4-823),

(2) change the job description or duties of such positions as in effect on the effective date of this Act, or

(3) deny any individual serving in the position of Detective on the effective date of this Act reasonable opportunities to advance to the position of Detective Sergeant, or transfer such individual without his consent to any other position,

so long as any individual serving in the position of Detective on the effective date of this Act is serving in such position.

Permanent pro-
motions.

SEC. 5. Any officer or member of the Metropolitan Police force, the White House Police force, the United States Park Police force, or the Fire Department of the District of Columbia who—

(1) successfully completed a written examination required for promotion to a position in such force or Department,

(2) was placed on a list of individuals eligible for a permanent promotion to such position,

(3) was assigned to serve in such position on an "acting" basis, and

(4) on January 1, 1968, had served at least 5 years in such position on such basis,

shall be given a permanent promotion, as of the effective date of this Act, to such position without the administration of any other written examination.

SEC. 6. The second paragraph under the center heading "METROPOLITAN POLICE" in the first section of the Act of August 31, 1918 (D.C. Code, sec. 4-105), is amended to read as follows:

"No person shall receive a permanent appointment who has not served the required probationary period, but the service during probation shall be deemed to be service in the uniformed force if succeeded by a permanent appointment, and as such shall be included and counted in determining eligibility for advancement, promotion, retirement, and pension in accordance with existing law. If at any time during the period of probation, the conduct or capacity of the probationer is determined by the Commissioner of the District of Columbia, or his designated agent, to be unsatisfactory, the probationer shall be separated from the service after advance written notification of the reasons for and the effective date of the separation. The retention of the probationer in the service after satisfactory completion of the probationary period shall be equivalent to a permanent appointment therein."

SEC. 7. (a) Retroactive compensation or salary shall be paid by reason of this Act only in the case of an individual in the service of the District of Columbia government or of the United States (including service in the Armed Forces of the United States) on the date of enactment of this Act, except that such retroactive compensation or salary shall be paid (1) to an officer or member of the Metropolitan Police force, the Fire Department of the District of Columbia, the United States Park Police force, or the White House Police force, who retired during the period beginning on the first day of the first pay period which begins on or after October 1, 1967, and ending on the date of enactment of this Act, for services rendered during such period, and (2) in accordance with the provisions of subchapter VIII of chapter 55 of title 5, United States Code (relating to settlement of accounts of deceased employees), for services rendered during the period beginning on the first day of the first pay period which begins on or after October 1, 1967, and ending on the date of enactment of this Act, by an officer or member who dies during such period.

(b) For the purposes of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the Federal Government or the municipal government of the District of Columbia.

SEC. 8. For the purpose of determining the amount of insurance for which an officer or member is eligible under the provisions of chapter 87 of title 5, United States Code (relating to Government employees group life insurance), all changes in rates of compensation or salary which result from the enactment of this Act shall be held and considered to be effective as of the date of enactment of this Act.

Probationary
period.

40 Stat. 938.

Retroactive
salary provisions.

80 Stat. 495.
5 USC 5581-
5583.

Insurance eligi-
bility.

80 Stat. 592;
81 Stat. 219, 646-
648.
5 USC 8701-
8716.

Effective dates.

SEC. 9. (a) Except as provided in subsection (b) of the first section of this Act and in subsection (b) of this section, the effective date of this Act and the amendments made by this Act shall be the first day of the first pay period beginning on or after October 1, 1967.

(b) The effective date of the amendment made by section 6 of this Act shall be the date of the enactment of this Act.

Short title.

SEC. 10. This Act may be cited as the "District of Columbia Police and Firemen's Salary Act Amendments of 1968".

Approved May 27, 1968.

Public Law 90-321

May 29, 1968

[S. 5]

AN ACT

To safeguard the consumer in connection with the utilization of credit by requiring full disclosure of the terms and conditions of finance charges in credit transactions or in offers to extend credit; by restricting the garnishment of wages; and by creating the National Commission on Consumer Finance to study and make recommendations on the need for further regulation of the consumer finance industry; and for other purposes.

Consumer Credit Protection Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

§ 1. Short title of entire Act

This Act may be cited as the Consumer Credit Protection Act.

TITLE I—CONSUMER CREDIT COST
DISCLOSURE

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CHAPTER 1—GENERAL PROVISIONS

- Sec.
101. Short title.
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111. Effect on other laws.
112. Criminal liability for willful and knowing violation.
113. Penalties inapplicable to governmental agencies.
114. Reports by Board and Attorney General.

§ 101. Short title

This title may be cited as the Truth in Lending Act.

§ 102. Findings and declaration of purpose

The Congress finds that economic stabilization would be enhanced and the competition among the various financial institutions and other firms engaged in the extension of consumer credit would be strengthened by the informed use of credit. The informed use of credit results from an awareness of the cost thereof by consumers. It is the purpose of this title to assure a meaningful disclosure of credit terms so that the consumer will be able to compare more readily the various credit terms available to him and avoid the uninformed use of credit.

Citation of title.

§ 103. Definitions and rules of construction

(a) The definitions and rules of construction set forth in this section are applicable for the purposes of this title.

(b) The term "Board" refers to the Board of Governors of the Federal Reserve System.

(c) The term "organization" means a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.

(d) The term "person" means a natural person or an organization.

(e) The term "credit" means the right granted by a creditor to a debtor to defer payment of debt or to incur debt and defer its payment.

(f) The term "creditor" refers only to creditors who regularly extend, or arrange for the extension of, credit for which the payment of a finance charge is required, whether in connection with loans, sales of property or services, or otherwise. The provisions of this title apply to any such creditor, irrespective of his or its status as a natural person or any type of organization.

(g) The term "credit sale" refers to any sale with respect to which credit is extended or arranged by the seller. The term includes any contract in the form of a bailment or lease if the bailee or lessee contracts to pay as compensation for use a sum substantially equivalent to or in excess of the aggregate value of the property and services involved and it is agreed that the bailee or lessee will become, or for no other or a nominal consideration has the option to become, the owner of the property upon full compliance with his obligations under the contract.

(h) The adjective "consumer", used with reference to a credit transaction, characterizes the transaction as one in which the party to whom credit is offered or extended is a natural person, and the money, property, or services which are the subject of the transaction are primarily for personal, family, household, or agricultural purposes.

(i) The term "open end credit plan" refers to a plan prescribing the terms of credit transactions which may be made thereunder from time to time and under the terms of which a finance charge may be computed on the outstanding unpaid balance from time to time thereunder.

(j) The term "State" refers to any State, the Commonwealth of Puerto Rico, the District of Columbia, and any territory or possession of the United States.

(k) Any reference to any requirement imposed under this title or any provision thereof includes reference to the regulations of the Board under this title or the provision thereof in question.

(l) The disclosure of an amount or percentage which is greater than the amount or percentage required to be disclosed under this title does not in itself constitute a violation of this title.

§ 104. Exempted transactions

This title does not apply to the following:

(1) Credit transactions involving extensions of credit for business or commercial purposes, or to government or governmental agencies or instrumentalities, or to organizations.

(2) Transactions in securities or commodities accounts by a broker-dealer registered with the Securities and Exchange Commission.

(3) Credit transactions, other than real property transactions, in which the total amount to be financed exceeds \$25,000.

(4) Transactions under public utility tariffs, if the Board determines that a State regulatory body regulates the charges for the public utility services involved, the charges for delayed payment, and any discount allowed for early payment.

§ 105. Regulations

The Board shall prescribe regulations to carry out the purposes of this title. These regulations may contain such classifications, differentiations, or other provisions, and may provide for such adjustments and exceptions for any class of transactions, as in the judgment of the Board are necessary or proper to effectuate the purposes of this title, to prevent circumvention or evasion thereof, or to facilitate compliance therewith.

§ 106. Determination of finance charge

(a) Except as otherwise provided in this section, the amount of the finance charge in connection with any consumer credit transaction shall be determined as the sum of all charges, payable directly or indirectly by the person to whom the credit is extended, and imposed directly or indirectly by the creditor as an incident to the extension of credit, including any of the following types of charges which are applicable:

- (1) Interest, time price differential, and any amount payable under a point, discount, or other system of additional charges.
- (2) Service or carrying charge.
- (3) Loan fee, finder's fee, or similar charge.
- (4) Fee for an investigation or credit report.
- (5) Premium or other charge for any guarantee or insurance protecting the creditor against the obligor's default or other credit loss.

(b) Charges or premiums for credit life, accident, or health insurance written in connection with any consumer credit transaction shall be included in the finance charge unless

(1) the coverage of the debtor by the insurance is not a factor in the approval by the creditor of the extension of credit, and this fact is clearly disclosed in writing to the person applying for or obtaining the extension of credit; and

(2) in order to obtain the insurance in connection with the extension of credit, the person to whom the credit is extended must give specific affirmative written indication of his desire to do so after written disclosure to him of the cost thereof.

(c) Charges or premiums for insurance, written in connection with any consumer credit transaction, against loss of or damage to property or against liability arising out of the ownership or use of property, shall be included in the finance charge unless a clear and specific statement in writing is furnished by the creditor to the person to whom the credit is extended, setting forth the cost of the insurance if obtained from or through the creditor, and stating that the person to whom the credit is extended may choose the person through which the insurance is to be obtained.

(d) If any of the following items is itemized and disclosed in accordance with the regulations of the Board in connection with any transaction, then the creditor need not include that item in the computation of the finance charge with respect to that transaction:

(1) Fees and charges prescribed by law which actually are or will be paid to public officials for determining the existence of or for perfecting or releasing or satisfying any security related to the credit transaction.

(2) The premium payable for any insurance in lieu of perfecting any security interest otherwise required by the creditor in connection with the transaction, if the premium does not exceed the fees and charges described in paragraph (1) which would otherwise be payable.

(3) Taxes.

(4) Any other type of charge which is not for credit and the exclusion of which from the finance charge is approved by the Board by regulation.

(e) The following items, when charged in connection with any extension of credit secured by an interest in real property, shall not be included in the computation of the finance charge with respect to that transaction:

- (1) Fees or premiums for title examination, title insurance, or similar purposes.
- (2) Fees for preparation of a deed, settlement statement, or other documents.
- (3) Escrows for future payments of taxes and insurance.
- (4) Fees for notarizing deeds and other documents.
- (5) Appraisal fees.
- (6) Credit reports.

§ 107. Determination of annual percentage rate

(a) The annual percentage rate applicable to any extension of consumer credit shall be determined, in accordance with the regulations of the Board,

- (1) in the case of any extension of credit other than under an open end credit plan, as

(A) that nominal annual percentage rate which will yield a sum equal to the amount of the finance charge when it is applied to the unpaid balances of the amount financed, calculated according to the actuarial method of allocating payments made on a debt between the amount financed and the amount of the finance charge, pursuant to which a payment is applied first to the accumulated finance charge and the balance is applied to the unpaid amount financed; or

(B) the rate determined by any method prescribed by the Board as a method which materially simplifies computation while retaining reasonable accuracy as compared with the rate determined under subparagraph (A).

- (2) in the case of any extension of credit under an open end credit plan, as the quotient (expressed as a percentage) of the total finance charge for the period to which it relates divided by the amount upon which the finance charge for that period is based, multiplied by the number of such periods in a year.

(b) Where a creditor imposes the same finance charge for balances within a specified range, the annual percentage rate shall be computed on the median balance within the range, except that if the Board determines that a rate so computed would not be meaningful, or would be materially misleading, the annual percentage rate shall be computed on such other basis as the Board may by regulation require.

(c) The annual percentage rate may be rounded to the nearest quarter of 1 per centum for credit transactions payable in substantially equal installments when a creditor determines the total finance charge on the basis of a single add-on, discount, periodic, or other rate, and the rate is converted into an annual percentage rate under procedures prescribed by the Board.

(d) The Board may authorize the use of rate tables or charts which may provide for the disclosure of annual percentage rates which vary from the rate determined in accordance with subsection (a) (1) (A) by not more than such tolerances as the Board may allow. The Board may not allow a tolerance greater than 8 per centum of that rate except to simplify compliance where irregular payments are involved.

(e) In the case of creditors determining the annual percentage rate in a manner other than as described in subsection (c) or (d), the Board may authorize other reasonable tolerances.

(f) Prior to January 1, 1971, any rate required under this title to be disclosed as a percentage rate may, at the option of the creditor, be expressed in the form of the corresponding ratio of dollars per hundred dollars.

§ 108. Administrative enforcement

(a) Compliance with the requirements imposed under this title shall be enforced under

80 Stat. 1046.
12 USC 1818.

(1) section 8 of the Federal Deposit Insurance Act, in the case of

(A) national banks, by the Comptroller of the Currency.

(B) member banks of the Federal Reserve System (other than national banks), by the Board.

(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), by the Board of Directors of the Federal Deposit Insurance Corporation.

80 Stat. 1028.
12 USC 1464.
80 Stat. 1036.
12 USC 1730.
47 Stat. 727;
69 Stat. 640.
12 USC 1426,
1437.

(2) section 5(d) of the Home Owners' Loan Act of 1933, section 407 of the National Housing Act, and sections 6(i) and 17 of the Federal Home Loan Bank Act, by the Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation), in the case of any institution subject to any of those provisions.

12 USC 1751.

(3) the Federal Credit Union Act, by the Director of the Bureau of Federal Credit Unions with respect to any Federal credit union.

(4) the Acts to regulate commerce, by the Interstate Commerce Commission with respect to any common carrier subject to those Acts.

72 Stat. 731.
49 USC 1301
note.

(5) the Federal Aviation Act of 1958, by the Civil Aeronautics Board with respect to any air carrier or foreign air carrier subject to that Act.

42 Stat. 159.
7 USC 181.

(6) the Packers and Stockyards Act, 1921 (except as provided in section 406 of that Act), by the Secretary of Agriculture with respect to any activities subject to that Act.

(b) For the purpose of the exercise by any agency referred to in subsection (a) of its powers under any Act referred to in that subsection, a violation of any requirement imposed under this title shall be deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of law specifically referred to in subsection (a), each of the agencies referred to in that subsection may exercise, for the purpose of enforcing compliance with any requirement imposed under this title, any other authority conferred on it by law.

38 Stat. 717.
15 USC 58.

(c) Except to the extent that enforcement of the requirements imposed under this title is specifically committed to some other Government agency under subsection (a), the Federal Trade Commission shall enforce such requirements. For the purpose of the exercise by the Federal Trade Commission of its functions and powers under the Federal Trade Commission Act, a violation of any requirement imposed under this title shall be deemed a violation of a requirement imposed under that Act. All of the functions and powers of the Federal Trade Commission under the Federal Trade Commission Act are available to the Commission to enforce compliance by any person with the requirements imposed under this title, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests in the Federal Trade Commission Act.

(d) The authority of the Board to issue regulations under this title does not impair the authority of any other agency designated in this section to make rules respecting its own procedures in enforcing compliance with requirements imposed under this title.

§ 109. Views of other agencies

In the exercise of its functions under this title, the Board may obtain upon request the views of any other Federal agency which, in the judgment of the Board, exercises regulatory or supervisory functions with respect to any class of creditors subject to this title.

§ 110. Advisory committee

The Board shall establish an advisory committee to advise and consult with it in the exercise of its functions under this title. In appointing the members of the committee, the Board shall seek to achieve a fair representation of the interests of sellers of merchandise on credit, lenders, and the public. The committee shall meet from time to time at the call of the Board, and members thereof shall be paid transportation expenses and not to exceed \$100 per diem.

Compensation.

§ 111. Effect on other laws

(a) This title does not annul, alter, or affect, or exempt any creditor from complying with, the laws of any State relating to the disclosure of information in connection with credit transactions, except to the extent that those laws are inconsistent with the provisions of this title or regulations thereunder, and then only to the extent of the inconsistency.

(b) This title does not otherwise annul, alter or affect in any manner the meaning, scope or applicability of the laws of any State, including, but not limited to, laws relating to the types, amounts or rates of charges, or any element or elements of charges, permissible under such laws in connection with the extension or use of credit, nor does this title extend the applicability of those laws to any class of persons or transactions to which they would not otherwise apply.

(c) In any action or proceeding in any court involving a consumer credit sale, the disclosure of the annual percentage rate as required under this title in connection with that sale may not be received as evidence that the sale was a loan or any type of transaction other than a credit sale.

(d) Except as specified in sections 125 and 130, this title and the regulations issued thereunder do not affect the validity or enforceability of any contract or obligation under State or Federal law.

§ 112. Criminal liability for willful and knowing violation

Whoever willfully and knowingly

(1) gives false or inaccurate information or fails to provide information which he is required to disclose under the provisions of this title or any regulation issued thereunder,

(2) uses any chart or table authorized by the Board under section 107 in such a manner as to consistently understate the annual percentage rate determined under section 107(a)(1)(A), or

(3) otherwise fails to comply with any requirement imposed under this title,

shall be fined not more than \$5,000 or imprisoned not more than one year, or both.

§ 113. Penalties inapplicable to governmental agencies

No civil or criminal penalty provided under this title for any violation thereof may be imposed upon the United States or any agency thereof, or upon any State or political subdivision thereof, or any agency of any State or political subdivision.

§ 114. Reports by Board and Attorney General

Not later than January 3 of each year after 1969, the Board and the Attorney General shall, respectively, make reports to the Congress concerning the administration of their functions under this title, including such recommendations as the Board and the Attorney General, respectively, deem necessary or appropriate. In addition, each report of the Board shall include its assessment of the extent to which compliance with the requirements imposed under this title is being achieved.

CHAPTER 2—CREDIT TRANSACTIONS

Sec.

- 121. General requirement of disclosure.
- 122. Form of disclosure; additional information.
- 123. Exemption for State-regulated transactions.
- 124. Effect of subsequent occurrence.
- 125. Right of rescission as to certain transactions.
- 126. Content of periodic statements.
- 127. Open end consumer credit plans.
- 128. Sales not under open end credit plans.
- 129. Consumer loans not under open end credit plans.
- 130. Civil liability.
- 131. Written acknowledgment as proof of receipt.

§ 121. General requirement of disclosure

(a) Each creditor shall disclose clearly and conspicuously, in accordance with the regulations of the Board, to each person to whom consumer credit is extended and upon whom a finance charge is or may be imposed, the information required under this chapter.

(b) If there is more than one obligor, a creditor need not furnish a statement of information required under this chapter to more than one of them.

§ 122. Form of disclosure; additional information

(a) Regulations of the Board need not require that disclosures pursuant to this chapter be made in the order set forth in this chapter, and may permit the use of terminology different from that employed in this chapter if it conveys substantially the same meaning.

(b) Any creditor may supply additional information or explanations with any disclosures required under this chapter.

§ 123. Exemption for State-regulated transactions

The Board shall by regulation exempt from the requirements of this chapter any class of credit transactions within any State if it determines that under the law of that State that class of transactions is subject to requirements substantially similar to those imposed under this chapter, and that there is adequate provision for enforcement.

§ 124. Effect of subsequent occurrence

If information disclosed in accordance with this chapter is subsequently rendered inaccurate as the result of any act, occurrence, or agreement subsequent to the delivery of the required disclosures, the inaccuracy resulting therefrom does not constitute a violation of this chapter.

§ 125. Right of rescission as to certain transactions

(a) Except as otherwise provided in this section, in the case of any consumer credit transaction in which a security interest is retained or acquired in any real property which is used or is expected to be used as the residence of the person to whom credit is extended, the obligor shall have the right to rescind the transaction until midnight of the third business day following the consummation of the transaction or the delivery of the disclosures required under this section and all other material disclosures required under this chapter, whichever is later, by notifying the creditor, in accordance with regulations of the Board, of his intention to do so. The creditor shall clearly and conspicuously disclose, in accordance with regulations of the Board, to any obligor in a transaction subject to this section the rights of the obligor under this section. The creditor shall also provide, in accordance with regulations of the Board, an adequate opportunity to the obligor to exercise his right to rescind any transaction subject to this section.

(b) When an obligor exercises his right to rescind under subsection (a), he is not liable for any finance or other charge, and any security interest given by the obligor becomes void upon such a rescission. Within ten days after receipt of a notice of rescission, the creditor shall return to the obligor any money or property given as earnest money, downpayment, or otherwise, and shall take any action necessary or appropriate to reflect the termination of any security interest created under the transaction. If the creditor has delivered any property to the obligor, the obligor may retain possession of it. Upon the performance of the creditor's obligations under this section, the obligor shall tender the property to the creditor, except that if return of the property in kind would be impracticable or inequitable, the obligor shall tender its reasonable value. Tender shall be made at the location of the property or at the residence of the obligor, at the option of the obligor. If the creditor does not take possession of the property within ten days after tender by the obligor, ownership of the property vests in the obligor without obligation on his part to pay for it.

(c) Notwithstanding any rule of evidence, written acknowledgment of receipt of any disclosures required under this title by a person to whom a statement is required to be given pursuant to this section does no more than create a rebuttable presumption of delivery thereof.

(d) The Board may, if it finds that such action is necessary in order to permit homeowners to meet bona fide personal financial emergencies, prescribe regulations authorizing the modification or waiver of any rights created under this section to the extent and under the circumstances set forth in those regulations.

(e) This section does not apply to the creation or retention of a first lien against a dwelling to finance the acquisition of that dwelling.

§ 126. Content of periodic statements

If a creditor transmits periodic statements in connection with any extension of consumer credit other than under an open end consumer credit plan, then each of those statements shall set forth each of the following items:

(1) The annual percentage rate of the total finance charge.

(2) The date by which, or the period (if any) within which, payment must be made in order to avoid additional finance charges or other charges.

(3) Such of the items set forth in section 127(b) as the Board may by regulation require as appropriate to the terms and conditions under which the extension of credit in question is made.

§ 127. Open end consumer credit plans

(a) Before opening any account under an open end consumer credit plan, the creditor shall disclose to the person to whom credit is to be extended each of the following items, to the extent applicable:

(1) The conditions under which a finance charge may be imposed, including the time period, if any, within which any credit extended may be repaid without incurring a finance charge.

(2) The method of determining the balance upon which a finance charge will be imposed.

(3) The method of determining the amount of the finance charge, including any minimum or fixed amount imposed as a finance charge.

(4) Where one or more periodic rates may be used to compute the finance charge, each such rate, the range of balances to which it is applicable, and the corresponding nominal annual percentage

rate determined by multiplying the periodic rate by the number of periods in a year.

(5) If the creditor so elects,

(A) the average effective annual percentage rate of return received from accounts under the plan for a representative period of time; or

(B) whenever circumstances are such that the computation of a rate under subparagraph (A) would not be feasible or practical, or would be misleading or meaningless, a projected rate of return to be received from accounts under the plan.

The Board shall prescribe regulations, consistent with commonly accepted standards for accounting or statistical procedures, to carry out the purposes of this paragraph.

(6) The conditions under which any other charges may be imposed, and the method by which they will be determined.

(7) The conditions under which the creditor may retain or acquire any security interest in any property to secure the payment of any credit extended under the plan, and a description of the interest or interests which may be so retained or acquired.

(b) The creditor of any account under an open end consumer credit plan shall transmit to the obligor, for each billing cycle at the end of which there is an outstanding balance in that account or with respect to which a finance charge is imposed, a statement setting forth each of the following items to the extent applicable:

(1) The outstanding balance in the account at the beginning of the statement period.

(2) The amount and date of each extension of credit during the period, and, if a purchase was involved, a brief identification (unless previously furnished) of the goods or services purchased.

(3) The total amount credited to the account during the period.

(4) The amount of any finance charge added to the account during the period, itemized to show the amounts, if any, due to the application of percentage rates and the amount, if any, imposed as a minimum or fixed charge.

(5) Where one or more periodic rates may be used to compute the finance charge, each such rate, the range of balances to which it is applicable, and, unless the annual percentage rate (determined under section 107(a)(2)) is required to be disclosed pursuant to paragraph (6), the corresponding nominal annual percentage rate determined by multiplying the periodic rate by the number of periods in a year.

(6) Where the total finance charge exceeds 50 cents for a monthly or longer billing cycle, or the pro rata part of 50 cents for a billing cycle shorter than monthly, the total finance charge expressed as an annual percentage rate (determined under section 107(a)(2)), except that if the finance charge is the sum of two or more products of a rate times a portion of the balance, the creditor may, in lieu of disclosing a single rate for the total charge, disclose each such rate expressed as an annual percentage rate, and the part of the balance to which it is applicable.

(7) At the election of the creditor, the average effective annual percentage rate of return (or the projected rate) under the plan as prescribed in subsection (a)(5).

(8) The balance on which the finance charge was computed and a statement of how the balance was determined. If the balance is determined without first deducting all credits during the period, that fact and the amount of such payments shall also be disclosed.

(9) The outstanding balance in the account at the end of the period.

(10) The date by which, or the period (if any) within which, payment must be made to avoid additional finance charges.

(c) In the case of any open end consumer credit plan in existence on the effective date of this subsection, the items described in subsection (a), to the extent applicable, shall be disclosed in a notice mailed or delivered to the obligor not later than thirty days after that date.

§ 128. Sales not under open end credit plans

(a) In connection with each consumer credit sale not under an open end credit plan, the creditor shall disclose each of the following items which is applicable:

(1) The cash price of the property or service purchased.

(2) The sum of any amounts credited as downpayment (including any trade-in).

(3) The difference between the amount referred to in paragraph (1) and the amount referred to in paragraph (2).

(4) All other charges, individually itemized, which are included in the amount of the credit extended but which are not part of the finance charge.

(5) The total amount to be financed (the sum of the amount described in paragraph (3) plus the amount described in paragraph (4)).

(6) Except in the case of a sale of a dwelling, the amount of the finance charge, which may in whole or in part be designated as a time-price differential or any similar term to the extent applicable.

(7) The finance charge expressed as an annual percentage rate except in the case of a finance charge

(A) which does not exceed \$5 and is applicable to an amount financed not exceeding \$75, or

(B) which does not exceed \$7.50 and is applicable to an amount financed exceeding \$75.

A creditor may not divide a consumer credit sale into two or more sales to avoid the disclosure of an annual percentage rate pursuant to this paragraph.

(8) The number, amount, and due dates or periods of payments scheduled to repay the indebtedness.

(9) The default, delinquency, or similar charges payable in the event of late payments.

(10) A description of any security interest held or to be retained or acquired by the creditor in connection with the extension of credit, and a clear identification of the property to which the security interest relates.

(b) Except as otherwise provided in this chapter, the disclosures required under subsection (a) shall be made before the credit is extended, and may be made by disclosing the information in the contract or other evidence of indebtedness to be signed by the purchaser.

(c) If a creditor receives a purchase order by mail or telephone without personal solicitation, and the cash price and the deferred payment price and the terms of financing, including the annual percentage rate, are set forth in the creditor's catalog or other printed material distributed to the public, then the disclosures required under subsection (a) may be made at any time not later than the date the first payment is due.

(d) If a consumer credit sale is one of a series of consumer credit sales transactions made pursuant to an agreement providing for the addition of the deferred payment price of that sale to an existing out-

standing balance, and the person to whom the credit is extended has approved in writing both the annual percentage rate or rates and the method of computing the finance charge or charges, and the creditor retains no security interest in any property as to which he has received payments aggregating the amount of the sales price including any finance charges attributable thereto, then the disclosure required under subsection (a) for the particular sale may be made at any time not later than the date the first payment for that sale is due. For the purposes of this subsection, in the case of items purchased on different dates, the first purchased shall be deemed first paid for, and in the case of items purchased on the same date, the lowest priced shall be deemed first paid for.

§ 129. Consumer loans not under open end credit plans

(a) Any creditor making a consumer loan or otherwise extending consumer credit in a transaction which is neither a consumer credit sale nor under an open end consumer credit plan shall disclose each of the following items, to the extent applicable:

(1) The amount of credit of which the obligor will have the actual use, or which is or will be paid to him or for his account or to another person on his behalf.

(2) All charges, individually itemized, which are included in the amount of credit extended but which are not part of the finance charge.

(3) The total amount to be financed (the sum of the amounts referred to in paragraph (1) plus the amounts referred to in paragraph (2)).

(4) Except in the case of a loan secured by a first lien on a dwelling and made to finance the purchase of that dwelling, the amount of the finance charge.

(5) The finance charge expressed as an annual percentage rate except in the case of a finance charge

(A) which does not exceed \$5 and is applicable to an extension of consumer credit not exceeding \$75, or

(B) which does not exceed \$7.50 and is applicable to an extension of consumer credit exceeding \$75.

A creditor may not divide an extension of credit into two or more transactions to avoid the disclosure of an annual percentage rate pursuant to this paragraph.

(6) The number, amount, and the due dates or periods of payments scheduled to repay the indebtedness.

(7) The default, delinquency, or similar charges payable in the event of late payments.

(8) A description of any security interest held or to be retained or acquired by the creditor in connection with the extension of credit, and a clear identification of the property to which the security interest relates.

(b) Except as otherwise provided in this chapter, the disclosures required by subsection (a) shall be made before the credit is extended, and may be made by disclosing the information in the note or other evidence of indebtedness to be signed by the obligor.

(c) If a creditor receives a request for an extension of credit by mail or telephone without personal solicitation and the terms of financing, including the annual percentage rate for representative amounts of credit, are set forth in the creditor's printed material distributed to the public, or in the contract of loan or other printed material delivered to the obligor, then the disclosures required under subsection (a) may be made at any time not later than the date the first payment is due.

§ 130. Civil liability

(a) Except as otherwise provided in this section, any creditor who fails in connection with any consumer credit transaction to disclose to any person any information required under this chapter to be disclosed to that person is liable to that person in an amount equal to the sum of

(1) twice the amount of the finance charge in connection with the transaction, except that the liability under this paragraph shall not be less than \$100 nor greater than \$1,000; and

(2) in the case of any successful action to enforce the foregoing liability, the costs of the action together with a reasonable attorney's fee as determined by the court.

(b) A creditor has no liability under this section if within fifteen days after discovering an error, and prior to the institution of an action under this section or the receipt of written notice of the error, the creditor notifies the person concerned of the error and makes whatever adjustments in the appropriate account are necessary to insure that the person will not be required to pay a finance charge in excess of the amount or percentage rate actually disclosed.

(c) A creditor may not be held liable in any action brought under this section for a violation of this chapter if the creditor shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

(d) Any action which may be brought under this section against the original creditor in any credit transaction involving a security interest in real property may be maintained against any subsequent assignee of the original creditor where the assignee, its subsidiaries, or affiliates were in a continuing business relationship with the original creditor either at the time the credit was extended or at the time of the assignment, unless the assignment was involuntary, or the assignee shows by a preponderance of evidence that it did not have reasonable grounds to believe that the original creditor was engaged in violations of this chapter, and that it maintained procedures reasonably adapted to apprise it of the existence of any such violations.

(e) Any action under this section may be brought in any United States district court, or in any other court of competent jurisdiction, within one year from the date of the occurrence of the violation.

§ 131. Written acknowledgment as proof of receipt

Except as provided in section 125(c) and except in the case of actions brought under section 130(d), in any action or proceeding by or against any subsequent assignee of the original creditor without knowledge to the contrary by the assignee when he acquires the obligation, written acknowledgment of receipt by a person to whom a statement is required to be given pursuant to this title shall be conclusive proof of the delivery thereof and, unless the violation is apparent on the face of the statement, of compliance with this chapter. This section does not affect the rights of the obligor in any action against the original creditor.

CHAPTER 3—CREDIT ADVERTISING

Sec.

141. Catalogs and multiple-page advertisements.

142. Advertising of downpayments and installments.

143. Advertising of open end credit plans.

144. Advertising of credit other than open end plans.

145. Nonliability of media.

§ 141. Catalogs and multiple-page advertisements

For the purposes of this chapter, a catalog or other multiple-page advertisement shall be considered a single advertisement if it clearly and conspicuously displays a credit terms table on which the information required to be stated under this chapter is clearly set forth.

§ 142. Advertising of downpayments and installments

No advertisement to aid, promote, or assist directly or indirectly any extension of consumer credit may state

(1) that a specific periodic consumer credit amount or installment amount can be arranged, unless the creditor usually and customarily arranges credit payments or installments for that period and in that amount.

(2) that a specified downpayment is required in connection with any extension of consumer credit, unless the creditor usually and customarily arranges downpayments in that amount.

§ 143. Advertising of open end credit plans

No advertisement to aid, promote, or assist directly or indirectly the extension of consumer credit under an open end credit plan may set forth any of the specific terms of that plan or the appropriate rate determined under section 127(a)(5) unless it also clearly and conspicuously sets forth all of the following items:

(1) The time period, if any, within which any credit extended may be repaid without incurring a finance charge.

(2) The method of determining the balance upon which a finance charge will be imposed.

(3) The method of determining the amount of the finance charge, including any minimum or fixed amount imposed as a finance charge.

(4) Where periodic rates may be used to compute the finance charge, the periodic rates expressed as annual percentage rates.

(5) Such other or additional information for the advertising of open end credit plans as the Board may by regulation require to provide for adequate comparison of credit costs as between different types of open end credit plans.

§ 144. Advertising of credit other than open end plans

(a) Except as provided in subsection (b), this section applies to any advertisement to aid, promote, or assist directly or indirectly any consumer credit sale, loan, or other extension of credit subject to the provisions of this title, other than an open end credit plan.

(b) The provisions of this section do not apply to advertisements of residential real estate except to the extent that the Board may by regulation require.

(c) If any advertisement to which this section applies states the rate of a finance charge, the advertisement shall state the rate of that charge expressed as an annual percentage rate.

(d) If any advertisement to which this section applies states the amount of the downpayment, if any, the amount of any installment payment, the dollar amount of any finance charge, or the number of installments or the period of repayment, then the advertisement shall state all of the following items:

(1) The cash price or the amount of the loan as applicable.

(2) The downpayment, if any.

(3) The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended.

(4) The rate of the finance charge expressed as an annual percentage rate.

§ 145. Nonliability of media

There is no liability under this chapter on the part of any owner or personnel, as such, of any medium in which an advertisement appears or through which it is disseminated.

TITLE II—EXTORTIONATE CREDIT TRANSACTIONS

Sec.

201. Findings and purpose.

202. Amendments to title 18, United States Code.

203. Reports by Attorney General.

§ 201. Findings and purpose

(a) The Congress makes the following findings:

(1) Organized crime is interstate and international in character. Its activities involve many billions of dollars each year. It is directly responsible for murders, willful injuries to person and property, corruption of officials, and terrorization of countless citizens. A substantial part of the income of organized crime is generated by extortionate credit transactions.

(2) Extortionate credit transactions are characterized by the use, or the express or implicit threat of the use, of violence or other criminal means to cause harm to person, reputation, or property as a means of enforcing repayment. Among the factors which have rendered past efforts at prosecution almost wholly ineffective has been the existence of exclusionary rules of evidence stricter than necessary for the protection of constitutional rights.

(3) Extortionate credit transactions are carried on to a substantial extent in interstate and foreign commerce and through the means and instrumentalities of such commerce. Even where extortionate credit transactions are purely intrastate in character, they nevertheless directly affect interstate and foreign commerce.

(4) Extortionate credit transactions directly impair the effectiveness and frustrate the purposes of the laws enacted by the Congress on the subject of bankruptcies.

(b) On the basis of the findings stated in subsection (a) of this section, the Congress determines that the provisions of chapter 42 of title 18 of the United States Code are necessary and proper for the purpose of carrying into execution the powers of Congress to regulate commerce and to establish uniform and effective laws on the subject of bankruptcy.

§ 202. Amendments to title 18, United States Code

(a) Title 18 of the United States Code is amended by inserting the following new chapter immediately after chapter 41 thereof:

62 Stat. 683.

“CHAPTER 42—EXTORTIONATE CREDIT TRANSACTIONS

“Sec.

“891. Definitions and rules of construction.

“892. Making extortionate extensions of credit.

“893. Financing extortionate extensions of credit.

“894. Collection of extensions of credit by extortionate means.

“895. Immunity of witnesses.

“896. Effect on State laws.

“§ 891. Definitions and rules of construction

“For the purposes of this chapter:

“(1) To extend credit means to make or renew any loan, or to enter into any agreement, tacit or express, whereby the repayment or satisfaction of any debt or claim, whether acknowledged or disputed, valid or invalid, and however arising, may or will be deferred.

“(2) The term ‘creditor’, with reference to any given extension of credit, refers to any person making that extension of credit, or to any person claiming by, under, or through any person making that extension of credit.

“(3) The term ‘debtor’, with reference to any given extension of credit, refers to any person to whom that extension of credit is made, or to any person who guarantees the repayment of that extension of credit, or in any manner undertakes to indemnify the creditor against loss resulting from the failure of any person to whom that extension of credit is made to repay the same.

“(4) The repayment of any extension of credit includes the repayment, satisfaction, or discharge in whole or in part of any debt or claim, acknowledged or disputed, valid or invalid, resulting from or in connection with that extension of credit.

“(5) To collect an extension of credit means to induce in any way any person to make repayment thereof.

“(6) An extortionate extension of credit is any extension of credit with respect to which it is the understanding of the creditor and the debtor at the time it is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation, or property of any person.

“(7) An extortionate means is any means which involves the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person, reputation, or property of any person.

“(8) The term ‘State’ includes the District of Columbia, the Commonwealth of Puerto Rico, and territories and possessions of the United States.

“(9) State law, including conflict of laws rules, governing the enforceability through civil judicial processes of repayment of any extension of credit or the performance of any promise given in consideration thereof shall be judicially noticed. This paragraph does not impair any authority which any court would otherwise have to take judicial notice of any matter of State law.

“§ 892. Making extortionate extensions of credit**Penalties.**

“(a) Whoever makes any extortionate extension of credit, or conspires to do so, shall be fined not more than \$10,000 or imprisoned not more than 20 years, or both.

“(b) In any prosecution under this section, if it is shown that all of the following factors were present in connection with the extension of credit in question, there is prima facie evidence that the extension of credit was extortionate, but this subsection is nonexclusive and in no way limits the effect or applicability of subsection (a):

“(1) The repayment of the extension of credit, or the performance of any promise given in consideration thereof, would be unenforceable, through civil judicial processes against the debtor

“(A) in the jurisdiction within which the debtor, if a natural person, resided or

“(B) in every jurisdiction within which the debtor, if other than a natural person, was incorporated or qualified to do business

at the time the extension of credit was made.

“(2) The extension of credit was made at a rate of interest in excess of an annual rate of 45 per centum calculated according to the actuarial method of allocating payments made on a debt between principal and interest, pursuant to which a payment is applied first to the accumulated interest and the balance is applied to the unpaid principal.

“(3) At the time the extension of credit was made, the debtor reasonably believed that either

“(A) one or more extensions of credit by the creditor had been collected or attempted to be collected by extortionate means, or the nonrepayment thereof had been punished by extortionate means; or

“(B) the creditor had a reputation for the use of extortionate means to collect extensions of credit or to punish the nonrepayment thereof.

“(4) Upon the making of the extension of credit, the total of the extensions of credit by the creditor to the debtor then outstanding, including any unpaid interest or similar charges, exceeded \$100.

“(c) In any prosecution under this section, if evidence has been introduced tending to show the existence of any of the circumstances described in subsection (b) (1) or (b) (2), and direct evidence of the actual belief of the debtor as to the creditor's collection practices is not available, then for the purpose of showing the understanding of the debtor and the creditor at the time the extension of credit was made, the court may in its discretion allow evidence to be introduced tending to show the reputation as to collection practices of the creditor in any community of which the debtor was a member at the time of the extension.

“§ 893. Financing extortionate extensions of credit

“Whoever willfully advances money or property, whether as a gift, as a loan, as an investment, pursuant to a partnership or profit-sharing agreement, or otherwise, to any person, with reasonable grounds to believe that it is the intention of that person to use the money or property so advanced directly or indirectly for the purpose of making extortionate extensions of credit, shall be fined not more than \$10,000 or an amount not exceeding twice the value of the money or property so advanced, whichever is greater, or shall be imprisoned not more than 20 years, or both.

Penalties.

“§ 894. Collection of extensions of credit by extortionate means

“(a) Whoever knowingly participates in any way, or conspires to do so, in the use of any extortionate means

Penalties.

“(1) to collect or attempt to collect any extension of credit, or

“(2) to punish any person for the nonrepayment thereof,

shall be fined not more than \$10,000 or imprisoned not more than 20 years, or both.

“(b) In any prosecution under this section, for the purpose of showing an implicit threat as a means of collection, evidence may be introduced tending to show that one or more extensions of credit by the creditor were, to the knowledge of the person against whom the implicit threat was alleged to have been made, collected or attempted to be collected by extortionate means or that the nonrepayment thereof was punished by extortionate means.

“(c) In any prosecution under this section, if evidence has been introduced tending to show the existence, at the time the extension of credit in question was made, of the circumstances described in section 892(b) (1) or the circumstances described in section 892(b) (2), and direct evidence of the actual belief of the debtor as to the creditor's

collection practices is not available, then for the purpose of showing that words or other means of communication, shown to have been employed as a means of collection, in fact carried an express or implicit threat, the court may in its discretion allow evidence to be introduced tending to show the reputation of the defendant in any community of which the person against whom the alleged threat was made was a member at the time of the collection or attempt at collection.

“§ 895. Immunity of witnesses

“Whenever in the judgment of a United States attorney the testimony of any witness, or the production of books, papers, or other evidence by any witness in any case or proceeding before any grand jury or court of the United States involving any violation of this chapter is necessary to the public interest, he, upon the approval of the Attorney General or his designated representative, may make application to the court that the witness be instructed to testify or produce evidence subject to the provisions of this section. Upon order of the court the witness shall not be excused from testifying or from producing books, papers, or other evidence on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no such witness may be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, nor may testimony so compelled be used as evidence in any criminal proceeding against him in any court, except a prosecution for perjury or contempt committed while giving testimony or producing evidence under compulsion as provided in this section.

“§ 896. Effect on State laws

“This chapter does not preempt any field of law with respect to which State legislation would be permissible in the absence of this chapter. No law of any State which would be valid in the absence of this chapter may be held invalid or inapplicable by virtue of the existence of this chapter, and no officer, agency, or instrumentality of any State may be deprived by virtue of this chapter of any jurisdiction over any offense over which it would have jurisdiction in the absence of this chapter.”

(b) The table of chapters captioned “Part I—Crimes” at the beginning of part I of title 18 of the United States Code is amended by inserting

“42. Extortionate credit transactions----- 891”
immediately above

“43. False personation----- 911”.

§ 203. Reports by Attorney General

The Attorney General shall make an annual report to Congress of the activities of the Department of Justice in the enforcement of chapter 42 of title 18 of the United States Code.

TITLE III—RESTRICTION ON GARNISHMENT

Sec.

301. Findings and purpose.

302. Definitions.

303. Restriction on garnishment.

304. Restriction on discharge from employment by reason of garnishment.

305. Exemption for State-regulated garnishments.

306. Enforcement by Secretary of Labor.

307. Effect on State laws.

§ 301. Findings and purpose**(a) The Congress finds:**

(1) The unrestricted garnishment of compensation due for personal services encourages the making of predatory extensions of credit. Such extensions of credit divert money into excessive credit payments and thereby hinder the production and flow of goods in interstate commerce.

(2) The application of garnishment as a creditors' remedy frequently results in loss of employment by the debtor, and the resulting disruption of employment, production, and consumption constitutes a substantial burden on interstate commerce.

(3) The great disparities among the laws of the several States relating to garnishment have, in effect, destroyed the uniformity of the bankruptcy laws and frustrated the purposes thereof in many areas of the country.

(b) On the basis of the findings stated in subsection (a) of this section, the Congress determines that the provisions of this title are necessary and proper for the purpose of carrying into execution the powers of the Congress to regulate commerce and to establish uniform bankruptcy laws.

§ 302. Definitions

For the purposes of this title:

(a) The term "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement program.

(b) The term "disposable earnings" means that part of the earnings of any individual remaining after the deduction from those earnings of any amounts required by law to be withheld.

(c) The term "garnishment" means any legal or equitable procedure through which the earnings of any individual are required to be withheld for payment of any debt.

§ 303. Restriction on garnishment

(a) Except as provided in subsection (b) and in section 305, the maximum part of the aggregate disposable earnings of an individual for any workweek which is subjected to garnishment may not exceed

(1) 25 per centum of his disposable earnings for that week, or

(2) the amount by which his disposable earnings for that week exceed thirty times the Federal minimum hourly wage prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938 in effect at the time the earnings are payable,

80 Stat. 838.
29 USC 206.

whichever is less. In the case of earnings for any pay period other than a week, the Secretary of Labor shall by regulation prescribe a multiple of the Federal minimum hourly wage equivalent in effect to that set forth in paragraph (2).

(b) The restrictions of subsection (a) do not apply in the case of

(1) any order of any court for the support of any person.

(2) any order of any court of bankruptcy under chapter XIII of the Bankruptcy Act.

(3) any debt due for any State or Federal tax.

52 Stat. 930.
11 USC 1001-
1086.

(c) No court of the United States or any State may make, execute, or enforce any order or process in violation of this section.

§ 304. Restriction on discharge from employment by reason of garnishment

(a) No employer may discharge any employee by reason of the fact that his earnings have been subjected to garnishment for any one indebtedness.

Penalties.

(b) Whoever willfully violates subsection (a) of this section shall be fined not more than \$1,000, or imprisoned not more than one year, or both.

§ 305. Exemption for State-regulated garnishments

The Secretary of Labor may by regulation exempt from the provisions of section 303(a) garnishments issued under the laws of any State if he determines that the laws of that State provide restrictions on garnishment which are substantially similar to those provided in section 303(a).

§ 306. Enforcement by Secretary of Labor

The Secretary of Labor, acting through the Wage and Hour Division of the Department of Labor, shall enforce the provisions of this title.

§ 307. Effect on State laws

This title does not annul, alter, or affect, or exempt any person from complying with, the laws of any State

(1) prohibiting garnishments or providing for more limited garnishments than are allowed under this title, or

(2) prohibiting the discharge of any employee by reason of the fact that his earnings have been subjected to garnishment for more than one indebtedness.

TITLE IV—NATIONAL COMMISSION ON CONSUMER FINANCE

Sec.

- 401. Establishment.
- 402. Membership of the Commission.
- 403. Compensation of members.
- 404. Duties of the Commission.
- 405. Powers of the Commission.
- 406. Administrative arrangements.
- 407. Authorization of appropriations.

§ 401. Establishment

There is established a bipartisan National Commission on Consumer Finance, referred to in this title as the "Commission".

§ 402. Membership of the Commission

(a) The Commission shall be composed of nine members, of whom

- (1) three are Members of the Senate appointed by the President of the Senate;

- (2) three are Members of the House of Representatives appointed by the Speaker of the House of Representatives; and

- (3) three are persons not employed in a full-time capacity by the United States appointed by the President, one of whom he shall designate as Chairman.

(b) A vacancy in the Commission does not affect its powers and may be filled in the same manner as the original appointment.

(c) Five members of the Commission constitute a quorum.

§ 403. Compensation of members

(a) Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(b) Each member of the Commission who is appointed by the President may receive compensation at a rate of \$100 for each day he is engaged upon work of the Commission, and shall be reimbursed for travel expenses, including per diem in lieu of subsistence as authorized

by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

80 Stat. 499.

§ 404. Duties of the Commission

(a) The Commission shall study and appraise the functioning and structure of the consumer finance industry, as well as consumer credit transactions generally. The Commission, in its report and recommendations to the Congress, shall include treatment of the following topics:

(1) The adequacy of existing arrangements to provide consumer credit at reasonable rates.

(2) The adequacy of existing supervisory and regulatory mechanisms to protect the public from unfair practices, and insure the informed use of consumer credit.

(3) The desirability of Federal chartering of consumer finance companies, or other Federal regulatory measures.

(b) The Commission may make interim reports and shall make a final report of its findings, recommendations, and conclusions to the President and to the Congress by January 1, 1971.

Reports to
President and
Congress.

§ 405. Powers of the Commission

(a) The Commission, or any three members thereof as authorized by the Commission, may conduct hearings anywhere in the United States or otherwise secure data and expressions of opinion pertinent to the study. In connection therewith the Commission is authorized by majority vote

(1) to require, by special or general orders, corporations, business firms, and individuals to submit in writing such reports and answers to questions as the Commission may prescribe; such submission shall be made within such reasonable period and under oath or otherwise as the Commission may determine.

(2) to administer oaths.

(3) to require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties.

(4) in the case of disobedience to a subpoena or order issued under paragraph (a) of this section to invoke the aid of any district court of the United States in requiring compliance with such subpoena or order.

(5) in any proceeding or investigation to order testimony to be taken by deposition before any person who is designated by the Commission and has the power to administer oaths, and in such instances to compel testimony and the production of evidence in the same manner as authorized under subparagraphs (3) and (4) above.

(6) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States.

(b) Any district court of the United States within the jurisdiction of which an inquiry is carried on may, in case of refusal to obey a subpoena or order of the Commission issued under paragraph (a) of this section, issue an order requiring compliance therewith; and any failure to obey the order of the court may be punished by the court as a contempt thereof.

Compliance
order by court.

(c) The Commission may require directly from the head of any Federal executive department or independent agency available information which the Commission deems useful in the discharge of its duties. All departments and independent agencies of the Government shall cooperate with the Commission and furnish all information requested by the Commission to the extent permitted by law.

(d) The Commission may enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of

Research con-
tract authority.

research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

(e) When the Commission finds that publication of any information obtained by it is in the public interest and would not give an unfair competitive advantage to any person, it may publish the information in the form and manner deemed best adapted for public use, except that data and information which would separately disclose the business transactions of any person, trade secrets, or names of customers shall be held confidential and shall not be disclosed by the Commission or its staff. The Commission shall permit business firms or individuals reasonable access to documents furnished by them for the purpose of obtaining or copying those documents as need may arise.

(f) The Commission may delegate any of its functions to individual members of the Commission or to designated individuals on its staff and to make such rules and regulations as are necessary for the conduct of its business, except as otherwise provided in this title.

§ 406. Administrative arrangements

(a) The Commission may, without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service or to classification and General Schedule pay rates, appoint and fix the compensation of an executive director. The executive director, with the approval of the Commission, shall employ and fix the compensation of such additional personnel as may be necessary to carry out the functions of the Commission, but no individual so appointed may receive compensation in excess of the rate authorized for GS-18 under the General Schedule.

(b) The executive director, with the approval of the Commission, may obtain services in accordance with section 3109 of title 5 of the United States Code, but at rates for individuals not to exceed \$100 per diem.

(c) The head of any executive department or independent agency of the Federal Government may detail, on a reimbursable basis, any of its personnel to assist the Commission in carrying out its work.

(d) Financial and administrative services (including those related to budgeting and accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement, from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator of General Services. The regulations of the General Services Administration for the collection of indebtedness of personnel resulting from erroneous payments apply to the collection of erroneous payments made to or on behalf of a Commission employee, and regulations of that Administration for the administrative control of funds apply to appropriations of the Commission.

(e) Ninety days after submission of its final report, as provided in section 404(b), the Commission shall cease to exist.

§ 407. Authorization of appropriations

There are authorized to be appropriated such sums not in excess of \$1,500,000 as may be necessary to carry out the provisions of this title. Any money so appropriated shall remain available to the Commission until the date of its expiration, as fixed by section 406(e).

TITLE V—GENERAL PROVISIONS

Sec.

501. Severability.

502. Captions and catchlines for reference only.

503. Grammatical usages.

504. Effective dates.

5 USC 5332
note.

80 Stat. 416.

Personnel de-
tail.

Termination of
Commission.

§ 501. Severability

If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provision remain in effect. If a provision enacted by this Act is held invalid in one or more of its applications, the provision remains in effect in all valid applications that are severable from the invalid application or applications.

§ 502. Captions and catchlines for reference only

Captions and catchlines are intended solely as aids to convenient reference, and no inference as to the legislative intent with respect to any provision enacted by this Act may be drawn from them.

§ 503. Grammatical usages

In this Act:

- (1) The word "may" is used to indicate that an action either is authorized or is permitted.
- (2) The word "shall" is used to indicate that an action is both authorized and required.
- (3) The phrase "may not" is used to indicate that an action is both unauthorized and forbidden.
- (4) Rules of law are stated in the indicative mood.

§ 504. Effective dates

(a) Except as otherwise specified, the provisions of this Act take effect upon enactment.

(b) Chapters 2 and 3 of title I take effect on July 1, 1969.

(c) Title III takes effect on July 1, 1970.

Ante, pp. 152,
157.
Ante, p. 162.

Approved May 29, 1968.

Public Law 90-322

JOINT RESOLUTION

To provide for the reappointment of Doctor Crawford H. Greenewalt as Citizen Regent of the Board of Regents of the Smithsonian Institution.

May 30, 1968
[S. J. Res. 142]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, which will occur by the expiration of the term of Doctor Crawford H. Greenewalt, of Wilmington, Delaware, on April 6, 1968, be filled by the reappointment of the present incumbent for the statutory term of six years.

Smithsonian Institution.

Approved May 30, 1968.

Public Law 90-323

JOINT RESOLUTION

To provide for the reappointment of Doctor Caryl P. Haskins as Citizen Regent of the Board of Regents of the Smithsonian Institution.

May 30, 1968
[S. J. Res. 143]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, which will occur by the expiration of the term of Doctor Caryl P. Haskins, of Washington, District of Columbia, on April 6, 1968, be filled by the reappointment of the present incumbent for the statutory term of six years.

Smithsonian Institution.

Approved May 30, 1968.

Public Law 90-324

May 30, 1968

[S. J. Res. 144]

JOINT RESOLUTION

To provide for the reappointment of Doctor William A. M. Burden as Citizen Regent of the Board of Regents of the Smithsonian Institution.

Smithsonian Institution.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, which will occur by the expiration of the term of Doctor William A. M. Burden, of New York, New York, on July 2, 1968, be filled by the reappointment of the present incumbent for the statutory term of six years.

Approved May 30, 1968.

Public Law 90-325

June 4, 1968

[H. R. 15364]

AN ACT

To provide for increased participation by the United States in the Inter-American Development Bank, and for other purposes.

Inter-American Development Bank.

Capital stock increase, U.S. share.

73 Stat. 299;
81 Stat. 227.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Inter-American Development Bank Act (22 U.S.C. 283-283m) is amended by adding at the end thereof the following new section:

"SEC. 17. (a) The United States Governor of the Bank is hereby authorized (1) to vote for an increase in the authorized capital stock of the Bank under article II, section 2, of the agreement as recommended by the Board of Executive Directors in its report of April 1967, to the Board of Governors of the Bank; and (2) to agree on behalf of the United States to subscribe to its proportionate share of the \$1,000,000,000 increase in the authorized callable capital stock of the Bank.

Appropriation.

"(b) There is hereby authorized to be appropriated, without fiscal year limitation, for payment by the Secretary of the Treasury of the increased United States subscription to the capital stock of the Inter-American Development Bank, \$411,760,000."

Approved June 4, 1968.

Public Law 90-326

June 4, 1968

[S. 561]

AN ACT

To authorize the appropriation of funds for Cape Hatteras National Seashore.

Cape Hatteras National Seashore. Funds.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, there are hereby authorized to be appropriated such sums as may be necessary to satisfy any final judgments rendered against the United States in civil actions numbered 263 and 401 in the United States District Court for the Eastern District of North Carolina, Elizabeth City Division, for the acquisition of land and interests in land for the Cape Hatteras National Seashore. The sums herein authorized to be appropriated shall be sufficient to pay the amount of said judgments, together with such interest and other costs as may be specified by the court.

Approved June 4, 1968.

Public Law 90-327

AN ACT

To authorize the Secretary of Agriculture to establish the Robert S. Kerr Memorial Arboretum and Nature Center in the Ouachita National Forest in Oklahoma, and for other purposes.

June 4, 1968
[H. R. 15822]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve, develop, and make available to this and future generations the opportunity to advance themselves morally, intellectually, and spiritually by learning about nature and to promote, demonstrate, and stimulate interest in and knowledge of the management of forest lands under principles of multiple use and sustained yield and the development and progress of management of forest lands in America, the Secretary of Agriculture is hereby authorized to establish the Robert S. Kerr Memorial Arboretum and Nature Center in the Ouachita National Forest. As soon as possible after this Act takes effect, the Secretary of Agriculture shall publish notice of the designation thereof in the Federal Register, together with an appropriate legal description of the property. A map showing the location of the designated arboretum and center shall be on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture.

Robert S. Kerr
Memorial Arbore-
tum and Nature
Center.
Establishment.

Publication in
Federal Register.

Administration.

SEC. 2. The area designated as the Robert S. Kerr Memorial Arboretum and Nature Center shall be administered, protected, and developed within and as a part of the Ouachita National Forest by the Secretary of Agriculture in accordance with the laws, rules, and regulations applicable to national forests in such manner as in his judgment will best provide for the purposes of this Act and to provide for such management, utilization, and disposal of the natural resources as in his judgment will promote or is compatible with and does not significantly impair the purposes for which the Robert S. Kerr Memorial Arboretum and Nature Center is established.

SEC. 3. The Secretary of Agriculture is hereby authorized to cooperate with and receive the cooperation of public and private agencies and organizations and individuals in the development, administration, and operation of the Robert S. Kerr Memorial Arboretum and Nature Center. The Secretary of Agriculture is authorized to accept contributions and gifts to be used to further the purposes of this Act.

Cooperation
with public and
private agencies.

Approved June 4, 1968.

Public Law 90-328

JOINT RESOLUTION

To authorize the temporary funding of the Emergency Credit Revolving Fund.

June 4, 1968
[S. J. Res. 168]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commodity Credit Corporation is hereby authorized and directed to make advances to the Emergency Credit Revolving Fund (7 U.S.C. 1966) in a total amount not to exceed \$30,000,000. Such advances together with interest at a rate which will compensate Commodity Credit Corporation for its cost of money during the period in which the advance was outstanding shall be reimbursed out of appropriations to the fund hereafter made.

Emergency
Credit Revolving
Fund.
Temporary fund-
ing.
75 Stat. 312.

Approved June 4, 1968.

Public Law 90-329

June 4, 1968
[H. R. 15863]

AN ACT

To amend title 10, United States Code, to change the name of the Army Medical Service to the Army Medical Department.

Army Medical
Department.
Designation.

81 Stat. 759;
70A Stat. 167.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 10, United States Code, is amended by striking the words "Army Medical Service" wherever they appear in sections 711a, 3064, 3067, 3210, 3296, 3579, and 4624, and in the text of the catchlines and corresponding analyses to sections 3067 and 3579, and inserting the words "Army Medical Department" in place thereof.

Approved June 4, 1968.

Public Law 90-330

June 5, 1968
[H. R. 15348]

AN ACT

To extend the authority to grant a special thirty-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas.

80 Stat. 1163.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 703(b) of title 10, United States Code, is amended by striking out "June 30, 1968", and inserting in lieu thereof "June 30, 1970".

Approved June 5, 1968.

Public Law 90-331

June 6, 1968
[H. J. Res. 1292]

JOINT RESOLUTION

To authorize the United States Secret Service to furnish protection to major presidential or vice presidential candidates.

Presidential
candidates.
Secret Service
protection.

Advisory com-
mittee.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the United States Secret Service, in addition to other duties now provided by law, is authorized to furnish protection to persons who are determined from time to time by the Secretary of the Treasury, after consultation with the advisory committee, as being major presidential or vice presidential candidates who should receive such protection (unless the candidate has declined such protection).

(b) The advisory committee referred to in subsection (a) shall consist of the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, the minority leader of the Senate and one additional member selected by the other members of the committee.

SEC. 2. Hereafter, when requested by the Director of the United States Secret Service, Federal Departments and agencies, unless such authority is revoked by the President, shall assist the Secret Service in the performance of its protective duties under section 3056 of title 18 of the United States Code and the first section of this joint resolution.

SEC. 3. For necessary expenses of carrying out the provisions of this resolution, there is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1968, the sum of \$400,000.

Approved June 6, 1968.

65 Stat. 122;
79 Stat. 890.

Appropriation.

Public Law 90-332

AN ACT

To amend Public Law 90-60 with respect to judgment funds of the Ute Mountain Tribe.

June 7, 1968
[H. R. 14922]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of the Act of August 1, 1967 (Public Law 90-60, 81 Stat. 164), is amended as follows:

Ute Mountain
Indian Tribe.
Judgment funds.
25 USC 676a.

(a) After "Ute Indian Tribe of the Uintah and Ouray Reservation" insert a comma;

(b) After "Ute Distribution Corporation" insert ", to the Ute Mountain Tribe of the Ute Mountain Reservation,"; and

(c) After "the Act of August 21, 1951 (65 Stat. 193), as amended," insert "the Act of August 12, 1953 (67 Stat. 540),".

25 USC 671-
675.

Approved June 7, 1968.

Public Law 90-333

AN ACT

To amend the Act of February 14, 1931, relating to the acceptance of gifts for the benefit of Indians.

June 8, 1968
[H. R. 14672]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of February 14, 1931 (46 Stat. 1106; 25 U.S.C. 451), is amended to read as follows: "The Secretary of the Interior may accept donations of funds or other property for the advancement of the Indian race, and he may use the donated property in accordance with the terms of the donation in furtherance of any program authorized by other provision of law for the benefit of Indians. An annual report shall be made to the Congress on donations received and allocations made from such donations. This report shall include administrative costs and other pertinent data."

Indians.
Gifts for ad-
vancement, ac-
ceptance.

Report to
Congress.

Approved June 8, 1968.

Public Law 90-334

AN ACT

To authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard.

June 8, 1968
[H. R. 15224]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds are hereby authorized to be appropriated for fiscal year 1969 for the use of the Coast Guard as follows:

Coast Guard.
Appropriation
authorization.

Vessels

For procurement, extension of service life, and increasing capability of vessels, \$67,904,000.

A. Procurement:

- (1) three high-endurance cutters;
- (2) one oceanographic cutter;
- (3) one coastal buoy tender;
- (4) one ferryboat; and
- (5) one river tender and barge.

None of the vessels authorized herein shall be procured from other than shipyards and facilities within the United States.

B. Increasing capability:

- (1) install generators and air conditioning on five seagoing buoy tenders;
- (2) improve habitability on two coastal buoy tenders;
- (3) install air conditioning on one coastal buoy tender; and
- (4) install balloon tracking radar on two high endurance cutters and modify balloon tracking radar installation on one high endurance cutter.

C. Extension of service life:

- (1) improve icebreakers; and
- (2) increase fuel capacity and improve habitability on high endurance cutters.

Aircraft

For procurement of aircraft, \$14,636,000.

- (1) nine medium-range helicopters.

Construction

For establishment or development of installations and facilities by acquisition, construction, conversion, extension, or installation of permanent or temporary public works, including the preparation of sites and furnishing of appurtenances, utilities, and equipment for the following, \$47,660,000.

- (1) Depot, Greenville, Mississippi: Barracks, messing, and operations building; garage; mooring facilities;
- (2) Moorings, Natchez, Mississippi: Mooring facilities;
- (3) Station, Siuslaw River, Florence, Oregon: Barracks, messing, operations, and administration building;
- (4) Station, Hobucken, North Carolina: Barracks, messing, operations, and administration building; convert existing building to garage and storage building, improve facilities;
- (5) Moorings, Juneau, Alaska: Enlarge existing building to provide additional space for electronic spares shipping and receiving area, office space, and other purposes;
- (6) Station, Point Allerton, Hull, Massachusetts: Barracks, messing, operations, and administration building; garage and workshop building; mooring facilities; helicopter pad;
- (7) Station, Grays Harbor, Westpoint, Washington: Barracks, messing, operations, and administration building;
- (8) Station, Port Aransas, Texas: Repair and replace waterfront facilities;
- (9) Loran Station, Cape San Blas, Gulf County, Florida: Barracks building; convert existing building for messing and recreation spaces; enlarge loran building, garage and storage building;
- (10) Station, Bayfield, Wisconsin: Barracks, messing, and operations building, pier facilities;
- (11) Air Station, Mobile, Alabama: Barracks, BOQ and messing building; training, recreational, and exchange facilities, hangar space conversion;
- (12) Station, Cape Charles City, Virginia: Barracks, messing, and operations building; mooring facilities, helicopter pad;
- (13) Station, Annapolis, Maryland: Barracks, messing, and operations building; mooring facilities;
- (14) Western Long Island Sound Development:
 - (i) Station, New Haven, Connecticut: Barracks, messing,

- operations, and administration building; mooring facilities;
- (ii) Station, Eatons Neck, New York: Recondition barracks, operations, and administration building; improve waterfront facilities; and
- (iii) Station, Fort Totten, New York: Recondition barracks, messing, administration, and work-storage facilities;
- (15) Base, Portsmouth, Virginia: Dredging, bulkheading, site development, utilities;
- (16) Station, San Francisco, California: Barracks building, administration building, subsistence building, waterfront facilities;
- (17) Yard, Curtis Bay, Maryland: Modify buildings as necessary to provide for consolidation of metal trades;
- (18) Station, San Juan, Puerto Rico: Barracks and messing facilities, waterfront facilities renewal;
- (19) Base, Honolulu, Hawaii: Dock construction;
- (20) Base, Galveston, Texas: Sewage system;
- (21) Base, New York, Governors Island, New York: Sewage system;
- (22) Station, Portsmouth Harbor, Newcastle, New Hampshire: Mooring facilities; garage and workshop buildings;
- (23) Various locations: Aids to navigation projects including, where necessary, planning and acquisition of sites;
- (24) Arkansas River: Aids to navigation to complete marking of river;
- (25) Various locations: Automation of manned light stations;
- (26) Various locations: Replace lightships with very large buoys;
- (27) Reserve Training Center, Yorktown, Virginia: Galley/mess building;
- (28) Reserve Training Center, Yorktown, Virginia: Advanced Engineman School classroom and laboratory building;
- (29) Training Center, Cape May, New Jersey: Gymnasium and recreation building;
- (30) Training Center, Alameda, California: Recruit barracks;
- (31) Training Center, Cape May, New Jersey: Medical-dental building;
- (32) Various locations: Public family quarters;
- (33) Various locations: Advance planning, construction, design, architectural services, and acquisition of sites in connection with projects not otherwise authorized by law; and
- (34) Various locations: Automatic fixed station oceanographic sensor systems and monitor buoys.

SEC. 2. Funds are hereby authorized to be appropriated for fiscal year 1969 for payment to bridge owners for the cost of alteration of railroad and public highway bridges to permit free navigation of the navigable waters of the United States in the amount of \$5,800,000.

SEC. 3. During fiscal years 1969 through and including 1970, the Secretary of the Department in which the Coast Guard is operating is authorized to lease housing facilities at or near Coast Guard installations wherever located for assignment as public quarters to military personnel and their dependents, if any, without rental charge upon a determination by the Secretary, or his designee, that there is a lack of adequate housing facilities at or near such Coast Guard installations. Such housing facilities may be leased on an individual or multiple unit basis. Expenditures for the rental of such housing facilities may not exceed the average authorized for the Department of Defense.

Approved June 8, 1968.

Public Law 90-335

AN ACT

June 10, 1968
[H. R. 3299]

To authorize the purchase, sale, and exchange of certain lands on the Spokane Indian Reservation, and for other purposes.

Spokane Indian
Reservation,
Wash.
Lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, (a) for the purpose of effecting consolidations of land situated within the Spokane Indian Reservation in the State of Washington into the ownership of the tribe and of individual tribal members and for the purpose of attaining and preserving an economic land base for Indian use, alleviating problems of Indian heirship and assisting in the productive leasing, disposition, and other use of tribal lands, the Secretary of the Interior is authorized in his discretion to:

(1) Purchase for the Spokane Tribe of Indians with any funds of such tribe and to otherwise acquire by gift, exchange, or relinquishment any lands or interest in lands or improvements thereon within the Spokane Indian Reservation.

(2) Sell or approve sales of any tribal trust lands, any interest therein or improvements thereon.

(3) Exchange any tribal trust lands, including interests therein or improvements thereon, for any lands situated within such reservation.

(b) The Secretary of the Interior is authorized to sell and exchange individual Indian trust lands held in multiple ownership to the Spokane Tribe or to individual members thereof if the sale or exchange is authorized in writing by owners of at least a majority interest in such lands; except that no greater percentage of approval of individual Indians shall be required under this Act than in any other statute of general application approved by Congress.

Nontaxability.

(c) Title to lands, or any interests therein, acquired pursuant to this Act by the Spokane Tribe or individual enrolled members thereof, shall be taken in the name of the United States of America in trust for the tribe or individual Indian, and shall be nontaxable as other tribal and allotted Indian trust lands of the Spokane Reservation: *Provided, however,* That the value on nontrust lands, or nontrust interests in land, acquired under this Act by the Spokane Tribe during any twelve-month period shall not exceed the value of lands, or interests in land, that passed in any manner from a nontaxable trust status to a taxable fee status within the boundaries of the Spokane Reservation in Stevens County, Washington, during the twelve-month period preceding acquisition by the tribe.

Value limitation.

Lands held by
mortgage or deed
of trust.

(d) That any tribal land that may be sold pursuant to this Act may, with the approval of the Secretary of the Interior, be encumbered by a mortgage or deed of trust and shall be subject to foreclosure or sale pursuant to the terms of such a mortgage or deed of trust in accordance with the laws of the State of Washington. The United States shall be an indispensable party to any such proceeding with the right of removal of the cause to the United States district court for the district in which the land is located, following the procedure in section 1446, title 28, United States Code: *Provided,* That the United States shall have the right to appeal from any order of remand in the case.

79 Stat. 887.

(e) The acquisition and sale of lands for the Spokane Tribe pursuant to this Act shall be upon request of the business council of the Spokane Tribe, evidenced by a resolution adopted in accordance with the constitution and bylaws of the tribe, and shall be in accordance with a land purchase and consolidation plan approved by the Secretary of the Interior, and except as it may otherwise be authorized or

prescribed by the Secretary, shall be limited to lands situated within the boundary of the Spokane Reservation. Such acquisition by the Spokane Tribe, or individual members thereof, may be achieved by exchange of lands with Indians or non-Indians as well as by outright purchase, with adjusting payments to approximate equal value. Moneys or credits received by the tribe in the sale of lands shall be used for the purchase of other lands, or for such other purpose as may be consistent with the land purchase and consolidation program, approved by the Secretary of the Interior.

(f) Section 1 of the Act of August 9, 1955 (69 Stat. 539), as amended, is hereby further amended by inserting the words "the Spokane Reservation," after the words "the Fort Mojave Reservation."

Approved June 10, 1968.

77 Stat. 301.
25 USC 415.

Public Law 90-336

AN ACT

To further amend the Federal Civil Defense Act of 1950, as amended, to extend the expiration date of certain authorities thereunder, and for other purposes.

June 10, 1968
[H. R. 15004]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251 et seq.), is further amended by striking the date June 30, 1968, where such appears in the second proviso of subsection 201(e), the fourth proviso of subsection 201(h), and subsection 205(h) and substituting in lieu thereof the date June 30, 1972.

Civil defense
authorities, extension.

78 Stat. 231.

Approved June 10, 1968.

Public Law 90-337

AN ACT

To authorize the use of funds arising from a judgment in favor of the Spokane Tribe of Indians.

June 10, 1968
[H. R. 15271]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the unexpended balance of funds on deposit in the Treasury of the United States to the credit of the Spokane Tribe of Indians that were appropriated by the Act of May 29, 1967 (81 Stat. 30), to pay a judgment by the Indian Claims Commission in Dockets 331 and 331A, and interest thereon, less payment of attorneys' fees and expenses, may be advanced, expended, invested, or reinvested for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior. Any part of such funds that may be distributed to the members of the tribe shall not be subject to the Federal or State income tax.

Spokane Tribe
of Indians.
Judgment funds.

Tax exemptions.

Approved June 10, 1968.

Public Law 90-338

JOINT RESOLUTION

June 15, 1968
[H. J. Res. 1298]

Authorizing the National Commission on the Causes and Prevention of Violence to compel the attendance and testimony of witnesses and the production of evidence.

National Commission on the Causes and Prevention of Violence.

Subpena power.
33 F. R. 8583.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) for the purposes of this joint resolution, the term "Commission" means the Commission created by the President by Executive Order 11412, dated June 10, 1968.

(b) The Commission, or any member of the Commission when so authorized by the Commission, shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation by the Commission. The Commission, or any member or any agent or agency designated by the Commission for such purpose, may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place within the jurisdiction of the United States at any designated place of hearing.

(c) In case of contumacy or refusal to obey a subpoena issued to any person under subsection (b), any court of the United States within the jurisdiction of which the inquiry is carried on or the person guilty of contumacy or refusal to obey is found or resides, upon application by the Commission shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be treated by said court as a contempt thereof.

(d) Process and papers of the Commission, its member, agent, or agency, may be served either upon the witness in person or by registered mail or by telegraph or by leaving a copy thereof at the residence or principal office or place of business of the person required to be served. The verified return by the individual so serving the same, setting forth the manner of such service, shall be proof of the same, and the return post office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same. Witnesses summoned before the Commission, its member, agent, or agency, shall be paid the same fees and mileage that are paid witnesses in courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

(e) No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to a subpoena, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture (except demotion or removal from office) for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege

against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(f) All process of any court to which application may be made under this joint resolution may be served in the judicial district wherein the person required to be served is found or resides.

Approved June 15, 1968.

Public Law 90-339

AN ACT

June 15, 1968
[S. 2452]

To provide for the adjustment of the legislative jurisdiction exercised by the United States over lands within the Crab Orchard National Wildlife Refuge in Illinois.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the obtaining or retaining of exclusive jurisdiction or any other measure of legislative jurisdiction by the United States over lands or interests therein which have been or shall hereafter be acquired as part of the Crab Orchard National Wildlife Refuge in Illinois shall not be required. The Secretary of the Interior may relinquish to the State of Illinois such measure of legislative jurisdiction as he may deem desirable over any lands or interests in the said refuge that are under his immediate jurisdiction, custody, or control. Such relinquishment of jurisdiction on the part of the United States shall be indicated by filing a notice thereof in such manner as may be prescribed for this purpose by the laws of the State of Illinois, and unless and until a notice is filed in accordance with such State laws, or with the Governor if the laws of such State do not prescribe another manner, it shall be conclusively presumed that no transfer of jurisdiction pursuant to this Act has taken place, nor shall any transfer of legislative jurisdiction pursuant to this Act take place unless and until the State of Illinois has accepted jurisdiction in such manner as its laws may provide. Upon a relinquishment by the United States of all of its legislative jurisdiction over said refuge to the State of Illinois, the State thereafter shall, with respect to such area, exercise the same jurisdiction which it would have had if legislative jurisdiction over such area had never been in the United States.

Crab Orchard
National Wildlife
Refuge, Ill.
Legislative
jurisdiction by
U.S., adjustment.

SEC. 2. Any civil or criminal process, lawfully issued by competent authority of the State of Illinois or political subdivision thereof may be served and executed within any area of the Crab Orchard National Wildlife Refuge under the exclusive, partial, or concurrent jurisdiction of the United States to the same extent and with the same effect as though such area were not subject to the legislative jurisdiction of the United States: *Provided*, That this section shall not be construed to affect the rights of authorized officers of the Federal Government or of any department or agency thereof to issue rules and regulations at any time for the purpose of preventing interference with the carrying out of Federal functions.

Approved June 15, 1968.

Public Law 90-340

June 15, 1968
[S. 2634]

AN ACT

To amend section 867(a) of title 10, United States Code, in order to establish the Court of Military Appeals as the United States Court of Military Appeals under article I of the Constitution of the United States, and for other purposes.

U.S. Court of
Military Appeals.
Establishment.
70A Stat. 60.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 867(a) (article 67(a)) of title 10, United States Code, is amended to read as follows:

“(a) (1) There is a United States Court of Military Appeals established under article I of the Constitution of the United States and located for administrative purposes only in the Department of Defense. The court consists of three judges appointed from civil life by the President, by and with the advice and consent of the Senate, for a term of fifteen years. The terms of office of all successors of the judges serving on the effective date of this Act shall expire fifteen years after the expiration of the terms for which their predecessors were appointed, but any judge appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term of his predecessor. Not more than two of the judges of the court may be appointed from the same political party, nor is any person eligible for appointment to the court who is not a member of the bar of a Federal court or the highest court of a State. Each judge is entitled to the same salary and travel allowances as are, and from time to time may be, provided for judges of the United States Court of Appeals, and is eligible for reappointment. The President shall designate from time to time one of the judges to act as chief judge. The chief judge of the court shall have precedence and preside at any session which he attends. The other judges shall have precedence and preside according to the seniority of their commissions. Judges whose commissions bear the same date shall have precedence according to seniority in age. The court may prescribe its own rules of procedure and determine the number of judges required to constitute a quorum. A vacancy in the court does not impair the right of the remaining judges to exercise the powers of the court.

“(2) Judges of the United States Court of Military Appeals may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office, or for mental or physical disability, but for no other cause.

“(3) If a judge of the United States Court of Military Appeals is temporarily unable to perform his duties because of illness or other disability, the President may designate a judge of the United States Court of Appeals for the District of Columbia to fill the office for the period of disability.

“(4) Any judge of the United States Court of Military Appeals who is receiving retired pay may become a senior judge, may occupy offices in a Federal building, may be provided with a staff assistant whose compensation shall not exceed the rate prescribed for GS-9 in the General Schedule under section 5332 of title 5, and, with his consent, may be called upon by the chief judge of said court to perform judicial duties with said court for any period or periods specified by such chief judge. A senior judge who is performing judicial duties pursuant to this subsection shall be paid the same compensation (in lieu of retired pay) and allowances for travel and other expenses as a judge.”

SEC. 2. The United States Court of Military Appeals established under this Act is a continuation of the Court of Military Appeals as

it existed prior to the effective date of this Act, and no loss of rights or powers, interruption or jurisdiction, or prejudice to matters pending in the Court of Military Appeals before the effective date of this Act shall result. A judge of the Court of Military Appeals so serving on the day before the effective date of this Act shall, for all purposes, be a judge of the United State Court of Military Appeals under this Act.

Approved June 15, 1968.

Public Law 90-341

June 15, 1968
[S. 3017]

AN ACT

To change the provision with respect to the maximum rate of interest permitted on loans and mortgages insured under title XI of the Merchant Marine Act, 1936.

Ship loans and
mortgages.
Maximum rate of
interest, change.
68 Stat. 1270.
46 USC 1274.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1104 (a) (5) of the Merchant Marine Act, 1936, as amended, is amended to read as follows:

“(5) shall secure bonds, notes, or other obligations bearing interest (exclusive of premium charges for insurance, and service charges, if any) at rates not to exceed such per centum per annum on the principal obligation outstanding as the Secretary of Commerce determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the Department of Commerce;”.

Approved June 15, 1968.

Public Law 90-342

June 15, 1968
[H. J. Res. 1224]

JOINT RESOLUTION

To authorize the President to reappoint as Chairman of the Joint Chiefs of Staff, for an additional term of one year, the officer serving in that position on April 1, 1968.

Chairman of
Joint Chiefs of
Staff.
Reappointment.
70A Stat. 7.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding section 142(a) of title 10, United States Code, the President may, by and with the advice and consent of the Senate, reappoint as Chairman of the Joint Chiefs of Staff, for an additional term of one year, the officer serving in that position on April 1, 1968.

Approved June 15, 1968.

Public Law 90-343

June 18, 1968
[S. 2884]

AN ACT

To amend the Federal Voting Assistance Act of 1955 so as to recommend to the several States that its absentee registration and voting procedures be extended to all citizens temporarily residing abroad.

Absentee
voting.
69 Stat. 584.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101 of the Federal Voting Assistance Act of 1955 (50 U.S.C. 1451) is hereby amended by striking out paragraphs (3) and (4) and inserting in lieu thereof a new paragraph (3) as follows:

"(3) Citizens of the United States temporarily residing outside the territorial limits of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them."

SEC. 2. Section 204(b) of the Federal Voting Assistance Act of 1955 (50 U.S.C. 1464) is hereby amended by striking out subparagraphs (3) c., d., e., and f. and inserting in lieu thereof new subparagraphs (3) c., d., and e. as follows:

Post card application.
69 Stat. 586.

"c. A citizen of the United States temporarily residing outside of the territorial limits of the United States and the District of Columbia ☐

"d. A spouse or dependent of a person listed in (a) or (b) above ☐

"e. A spouse or dependent residing with or accompanying a person described in (c) above" ☐

Approved June 18, 1968.

Public Law 90-344

AN ACT

To amend the Federal Voting Assistance Act of 1955 (69 Stat. 584).

June 18, 1968
[S. 1581]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Voting Assistance Act of 1955 (69 Stat. 584) is amended as follows:

Federal Voting Assistance Act of 1955, amendment.
Oaths.
50 USC 1452.

(1) Clause (10) of section 102 is amended to read as follows:

"(10) for the purposes of this Act, authorize oaths required by State law to be administered and attested by any commissioned officer in the active service of the Armed Forces, any member of the merchant marine of the United States designated for this purpose by the Secretary of Commerce, the head of any department or agency of the United States, any civilian official empowered by State or Federal law to administer oaths, or any civilian employee designated by the head of any department or agency of the United States."

(2) The following new section is inserted after section 103:

50 USC 1453.

"SEC. 104. It is recommended that each of the several States permit any person covered by section 101(1) of this Act who is otherwise fully qualified to register and vote in the State to acquire legal residence in that State, notwithstanding his residence on a military installation, and to register and vote in local, State, and national elections."

Personnel residing on military installations.
50 USC 1451.

(3) Clause (2) of section 203 is amended to read as follows:

"(2) the Administrator of General Services to cause to be printed and distributed post cards for use in accordance with the provisions of this Act. Such post cards shall be delivered by the department or agency concerned to persons to whom this Act is applicable for use at any general election at which electors for President and Vice President or Senators and Representatives are to be voted for. For use in such elections, post cards shall be in the hands of the persons concerned not later than August 15 before the election if they are outside the territorial limits of the United States and not later than September 15 before the election if they are inside the territorial limits of the United States. To the extent practicable and compatible with other operations, post cards shall also be made available at appropriate times to such persons for use in other general, primary, and special elections; and"

Administrative responsibility.
50 USC 1463.

Federal post
card application.
50 USC 1464.

(4) Clause (b) of section 204 is amended by amending item (5) of the Federal post card application to read as follows:

“(5) For ____ years preceding the above election my home (not military) residence in the above State has been_____
(Street and number or rural route, etc.)
in the county or parish of _____. The voting precinct or election district for this residence is_____
(Enter if known)”

(5) Clause (b) of section 204 is amended by amending item (7) of the Federal post card ballot to read as follows:

“(7) Mail my ballot to the following official address:

For those assigned in the U.S.:

(Unit (Co., Sq., Trp., Bn., etc.), Govt. Agency, or Office)

(Military Base, Station, Camp, Fort, Ship, Airfield, etc.)

For those assigned elsewhere:

(APO or FPO number)

(6) Clause (c) of section 204 is amended to read as follows:

“(c) Upon the other side of the card there shall be printed in red type the following:

FILL OUT BOTH SIDES OF THE CARD

_____	}	FREE of U.S. Postage Including Air Mail

_____		Official Mailing Address

OFFICIAL ELECTION BALLOTING MATERIAL—VIA AIR MAIL		

To: _____
(Title of Election Official)

(County or Township)

(City or Town, State)

Approved June 18, 1968.

Public Law 90-345

June 18, 1968
[H. R. 16674]

AN ACT

To amend the Federal Farm Loan Act and the Farm Credit Act of 1933, as amended, to improve the capitalization of Federal intermediate credit banks and production credit associations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Farm Loan Act, as amended, is hereby amended—

(a) by substituting “twenty” for “twelve” in section 203(a) thereof (12 U.S.C. 1041);

Federal Farm
Loan Act, amend-
ment.

79 Stat. 922.

(b) by changing the heading over section 205 thereof (12 U.S.C. 1061) to read "CAPITAL STOCK AND PARTICIPATION CERTIFICATES" instead of "CAPITAL STOCK" and by adding the following new subsection (c) at the end of section 205 thereof (12 U.S.C. 1061):

70 Stat. 660.

"(c) PARTICIPATION CERTIFICATES IN ADDITION TO THOSE ISSUED IN PAYMENT OF PATRONAGE REFUNDS.—In addition to the participation certificates issued in payment of patronage refunds, each Federal intermediate credit bank may issue further amounts of such participation certificates, with the same rights, privileges, and conditions, for purchase by institutions other than production credit associations that are entitled to receive participation certificates from the bank in payment of patronage refunds."; and

(c) by inserting the following new paragraph between the present second and third paragraphs of subsection (a) of section 206 thereof (12 U.S.C. 1072(a)):

70 Stat. 662.

"If and when the relative amounts of class B stock in a Federal intermediate credit bank owned by the production credit associations are adjusted to reestablish the proportion of such class B stock owned by each association, as provided in the second or third paragraphs of section 205(a)(2) of this Act (12 U.S.C. 1061(a)(2)), amounts in the reserve account that are allocated to production credit associations may be adjusted in the same manner, so far as practicable, to reestablish the holdings of the production credit associations in the allocated legal reserve accounts into substantially the same proportion as are their holdings of class B stock."

Class B stocks
owned by produc-
tion credit associ-
ations, adjustment.

SEC. 2. The Farm Credit Act of 1933, as amended, is hereby amended by inserting "or otherwise, except as may be authorized under rules and regulations prescribed or approved by the Farm Credit Administration," immediately after the word "loan" in the last sentence of the first paragraph of section 23 thereof (12 U.S.C. 1131g).

Farm Credit
Act of 1933,
amendment.

69 Stat. 663.

Approved June 18, 1968.

Public Law 90-346

AN ACT

To amend the Internal Revenue Code of 1954 with respect to advertising in a convention program of a national political convention.

June 18, 1968
[H. R. 17325]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 276 of the Internal Revenue Code of 1954 (relating to certain indirect contributions to political parties) shall not apply to any amount paid or incurred for advertising in a convention program of a political party distributed in connection with a convention held for the purpose of nominating candidates for the offices of President and Vice President of the United States, if the proceeds from such program are used solely to defray the costs of conducting such convention (or a subsequent convention of such party held for such purpose) and the amount paid or incurred for such advertising is reasonable in light of the business the taxpayer may expect to receive—

Taxes.

80 Stat. 66.
26 USC 276.

(1) directly as a result of such advertising, or

(2) as a result of the convention being held in an area in which the taxpayer has a principal place of business.

SEC. 2. The first section of this Act shall apply with respect to amounts paid or incurred on or after January 1, 1968.

Effective date.

Approved June 18, 1968.

Public Law 90-347

AN ACT

To provide for the appointment of additional circuit judges.

June 18, 1968
[S. 2349]

Circuit judges,
additional ap-
pointments.

28 USC 44 note.

62 Stat. 871.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President shall appoint, by and with the advice and consent of the Senate, one additional circuit judge for the third circuit, two additional circuit judges for the fifth circuit, one additional circuit judge for the sixth circuit, four additional circuit judges for the ninth circuit, and one additional circuit judge for the tenth circuit.

SEC. 2. Section 1(c) of the Act of March 18, 1966 (80 Stat. 75), pertaining to the appointment of four additional circuit judges for the fifth circuit is hereby amended in part by deleting the final sentence, providing, "The first four vacancies occurring in the office of circuit judge in said circuit shall not be filled." These judgeships are hereby made permanent and the present incumbents of such judgeships shall henceforth hold their offices under section 44 of title 28, United States Code, as amended by this Act.

SEC. 3. In order that the table contained in section 44(a) of title 28 of the United States Code will reflect the changes made by sections 1 and 2 in the number of circuit judges for said circuits, such table is amended to read as follows with respect to said circuits:

Circuits					Number of judges	
*	*	*	*	*	*	*
Third	-----	-----	-----	-----	-----	Nine
*	*	*	*	*	*	*
Fifth	-----	-----	-----	-----	-----	Fifteen
Sixth	-----	-----	-----	-----	-----	Nine
*	*	*	*	*	*	*
Ninth	-----	-----	-----	-----	-----	Thirteen
Tenth	-----	-----	-----	-----	-----	Seven"

Approved June 18, 1968.

Public Law 90-348

AN ACT

To amend the National Foundation on the Arts and the Humanities Act of 1965.

June 18, 1968
[H. R. 11308]

National Foun-
dation on the Arts
and the Humanities
Act of 1965,
amendment.
79 Stat. 845.
20 USC 952.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 3(f) of the National Foundation on the Arts and the Humanities Act of 1965 is amended to read as follows:

"(f) The term 'workshop' means an activity the primary purpose of which is to encourage the artistic development or enjoyment of amateur, student, or other nonprofessional participants, or to promote scholarship and teaching among the participants."

SEC. 2. (a) Section 5(c) and section 5(f) of the National Foundation on the Arts and the Humanities Act of 1965 are amended to read as follows:

National Endowment for the Arts.
Contract authority.
20 USC 954.

“(c) The Chairman, with the advice of the Federal Council on the Arts and the Humanities and the National Council on the Arts, is authorized to establish and carry out a program of contracts with, or grants-in-aid to, groups or, in appropriate cases, individuals of exceptional talent engaged in or concerned with the arts, for the purpose of enabling them to provide or support in the United States—

“(1) productions which have substantial artistic and cultural significance, giving emphasis to American creativity and the maintenance and encouragement of professional excellence;

“(2) productions, meeting professional standards or standards of authenticity, irrespective of origin, which are of significant merit and which, without such assistance, would otherwise be unavailable to our citizens in many areas of the country;

“(3) projects that will encourage and assist artists and enable them to achieve standards of professional excellence;

“(4) workshops that will encourage and develop the appreciation and enjoyment of the arts by our citizens;

“(5) other relevant projects, including surveys, research, and planning in the arts.”

“(f) The total amount of any grant to any group pursuant to subsection (c) of this section shall not exceed 50 per centum of the total cost of such project or production, except that not more than 20 per centum of the funds allotted by the National Endowment for the Arts for the purposes of subsection (c) for any fiscal year may be available for grants and contracts in that fiscal year without regard to such limitation.”

Grant limitation.

(b) Section 5(j) and section 5(k) of the National Foundation on the Arts and the Humanities Act of 1965 are amended by inserting after the words “or individual” wherever they appear in such subsections the following: “of exceptional talent”.

SEC. 3. Section 5(h) (3) and section 5(h) (5) of the National Foundation on the Arts and the Humanities Act of 1965 are amended to read as follows:

Use of allotted funds.

“(3) Funds appropriated to carry out the purpose of this section 5(h) for any fiscal year shall be equally allotted among the States.”

“(5) All amounts allotted under paragraph (3) for a fiscal year which are not granted to a State during such year shall be available at the end of such year to the National Endowment for the Arts for the purpose of carrying out section 5(c).”

SEC. 4. Section 6(b) and section 8(f) of the National Foundation on the Arts and the Humanities Act of 1965 are amended to read as follows:

National Council on the Arts.
Application review by Chairman.
20 USC 955,
957.

“(b) The National Council on the Arts shall, in addition to performing any of the duties and responsibilities prescribed by the

78 Stat. 905.
20 USC 781
note.

National Arts and Cultural Development Act of 1964, (1) advise the Chairman with respect to policies, programs, and procedures for carrying out his functions, duties, or responsibilities pursuant to the provisions of this Act, and (2) review applications for financial assistance made under this Act and make recommendations thereon to the Chairman. The Chairman shall not approve or disapprove any such application until he has received the recommendation of the Council on such application, unless the Council fails to make a recommendation thereon within a reasonable time. In the case of any application involving \$10,000 or less, the Chairman may approve or disapprove such request if such action is taken pursuant to the terms of a delegation of authority from the Council to the Chairman, and provided that each such action by the Chairman shall be reviewed by the Council."

National Council on the Humanities.

Application reviewed by Chairman.

"(f) The Council shall (1) advise the Chairman with respect to policies, programs, and procedures for carrying out his functions, and (2) shall review applications for financial support and make recommendations thereon to the Chairman. The Chairman shall not approve or disapprove any such application until he has received the recommendation of the Council on such application, unless the Council fails to make a recommendation thereon within a reasonable time. In the case of any application involving \$10,000 or less, the Chairman may approve or disapprove such request if such action is taken pursuant to the terms of a delegation of authority from the Council to the Chairman, and provided that each such action by the Chairman shall be reviewed by the Council."

Donations to an Endowment.
79 Stat. 852.
20 USC 959.

SEC. 5. Section 10 of the National Foundation on the Arts and the Humanities Act of 1965 is amended by:

(a) repealing paragraphs (2) and (3) of subsection (a) and inserting in lieu thereof the following:

"(2) in the discretion of the Chairman of an Endowment, after receiving the recommendation of the National Council of that Endowment, to receive money and other property donated, bequeathed, or devised to that Endowment with or without a condition or restriction, including a condition that the Chairman use other funds of that Endowment for the purposes of the gift; and to use, sell, or otherwise dispose of such property for the purpose of carrying out sections 5(c) and 7(c) and the functions transferred by section 6(a) of this Act;"

20 USC 954,
956, 955.

(b) redesignating paragraphs "(4)", "(5)", "(6)", "(7)", and "(8)" as paragraphs "(3)", "(4)", "(5)", "(6)", and "(7)".

(c) amending the text following subsection (a) (8) to read as follows:

"In any case in which any money or other property is donated, bequeathed, or devised to the Foundation (A) without designation of the Endowment for the benefit of which such property is intended, and (B) without condition or restriction other than that it be used for the purposes of the Foundation, such property shall be deemed to have been donated, bequeathed, or devised in equal shares to each Endowment and each Chairman of an Endowment shall have authority to receive such property. In any case in which any money or other property is donated, bequeathed, or devised to the Foundation with a condition or restriction, such property shall be deemed to have been donated, bequeathed, or devised to that Endowment whose function it is to carry out the purpose or purposes described or referred to by the terms of such condition or restriction, and each Chairman of an

Endowment shall have authority to receive such property. For the purposes of the preceding sentence, if one or more of the purposes of such a condition or restriction is covered by the functions of both Endowments, or if some of the purposes of such a condition or restriction are covered by the functions of one Endowment and other of the purposes of such a condition or restriction are covered by the functions of the other Endowment, the Federal Council on the Arts and the Humanities shall determine an equitable manner for distribution between each of the Endowments of the property so donated, bequeathed, or devised. For the purposes of the income tax, gift tax, and estate tax laws of the United States, any money or other property donated, bequeathed, or devised to the Foundation or one of its Endowments and received by the Chairman of an Endowment pursuant to authority derived under this subsection shall be deemed to have been donated, bequeathed, or devised to or for the use of the United States."

SEC. 6. Section 11 of the National Foundation on the Arts and the Humanities Act of 1965 is amended by—

(a) amending subsection (a) to read as follows:

"(a) For the purpose of carrying out section 5(c) and the functions transferred by section 6(a) of this Act, there is hereby authorized to be appropriated to the National Endowment for the Arts \$6,000,000 for the fiscal year ending June 30, 1969, and \$6,500,000 for the fiscal year ending June 30, 1970; for the purpose of carrying out section 7(c) of this Act there is hereby authorized to be appropriated to the National Endowment for the Humanities \$8,000,000 for the fiscal year ending June 30, 1969, and \$9,000,000 for the fiscal year ending June 30, 1970. In addition, there is hereby authorized to be appropriated to the National Endowment for the Arts for the purposes of section 5(h) the sum of \$2,000,000 for the fiscal year ending June 30, 1969, and \$2,500,000 for the fiscal year ending June 30, 1970. Sums appropriated under the authority of this subsection shall remain available until expended. For each subsequent fiscal year such sums may be appropriated as the Congress may hereafter authorize by law to carry out the provisions of this subsection."

(b) amending subsection (b) to read as follows:

"(b) In addition to the sums authorized by subsection (a), there is authorized to be appropriated to each Endowment an amount equal to the total of amounts received by that Endowment under section 10(a)(2) of this Act, except that the amount so appropriated for the fiscal year ending June 30, 1969, and the amount so appropriated for the fiscal year ending June 30, 1970, shall not aggregate more than \$13,500,000. Amounts appropriated to an Endowment under this subsection shall remain available until expended. For each subsequent fiscal year such sums may be appropriated as the Congress may hereafter authorize by law to carry out the provisions of this subsection."

(c) repealing subsection (c).

(d) redesignating subsections "(d)" and "(e)" as subsections "(c)" and "(d)".

SEC. 7. Section 3(a) and section 3(b) of the National Foundation on the Arts and the Humanities Act of 1965 are amended to read as follows:

"(a) The term 'humanities' includes, but is not limited to, the study of the following: language, both modern and classical; linguistics; literature; history; jurisprudence; philosophy; archeology; the history, criticism, theory, and practice of the arts; those aspects of the social sciences which have humanistic content and employ humanistic

Appropriations.

79 Stat. 853.

20 USC 960.

Ante, p. 185.

20 USC 956.

Ante, p. 185.

Additional ap-
propriation.

Ante, p. 186.

Repeal.

Definitions.

79 Stat. 845.

20 USC 952.

"Humanities,"

methods; and the study and application of the humanities to the human environment.

"The arts."

"(b) The term 'the arts' includes, but is not limited to, music (instrumental and vocal), dance, drama, folk art, creative writing, architecture and allied fields, painting, sculpture, photography, graphic and craft arts, industrial design, costume and fashion design, motion pictures, television, radio, tape and sound recording, the arts related to the presentation, performance, execution, and exhibition of such major art forms, and the study and application of the arts to the human environment."

Approved June 18, 1968.

Public Law 90-349

June 19, 1968
[H. R. 16911]

AN ACT

To provide for United States participation in the facility based on Special Drawing Rights in the International Monetary Fund, and for other purposes.

Special Draw-
ing Rights Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Special Drawing Rights Act."

SEC. 2. The President is hereby authorized (a) to accept the amendment to the articles of agreement of the International Monetary Fund (hereinafter referred to as the "Fund"), attached to the April 1968 report by the Executive Directors to the Board of Governors of the Fund, for the purpose of (i) establishing a facility based on Special Drawing Rights in the Fund and (ii) giving effect to certain modifications in the present rules and practices of the Fund, and (b) to participate in the special drawing account established by the amendment.

48 Stat. 341.

SEC. 3. (a) Special Drawing Rights allocated to the United States pursuant to article XXIV of the Articles of Agreement of the Fund, and Special Drawing Rights otherwise acquired by the United States, shall be credited to the account of, and administered as part of, the Exchange Stabilization Fund established by section 10 of the Gold Reserve Act of 1934, as amended (31 U.S.C. 822a).

(b) The proceeds resulting from the use of Special Drawing Rights by the United States, and payments of interest to the United States pursuant to article XXVI, article XXX, and article XXXI of the Articles of Agreement of the Fund, shall be deposited in the Exchange Stabilization Fund. Currency payments by the United States in return for Special Drawing Rights, and payments of charges or assessments pursuant to article XXVI, article XXX, and article XXXI of the Articles of Agreement of the Fund, shall be made from the resources of the Exchange Stabilization Fund.

Special Draw-
ing Right certi-
ficates, issuance
and purpose.

SEC. 4. (a) The Secretary of the Treasury is authorized to issue to the Federal Reserve banks, and such banks shall purchase, Special Drawing Right certificates in such form and in such denominations as he may determine, against any Special Drawing Rights held to the credit of the Exchange Stabilization Fund. Such certificates shall be issued and remain outstanding only for the purpose of financing the acquisition of Special Drawing Rights or for financing exchange stabilization operations. The amount of Special Drawing Right certificates issued and outstanding shall at no time exceed the value of the Special Drawing Rights held against the Special Drawing Rights certificates. The proceeds resulting from the issuance of Special Drawing Right certificates shall be covered into the Exchange Stabilization Fund.

Limitation.

Proceeds.

(b) Special Drawing Right certificates owned by the Federal Reserve banks shall be redeemed from the resources of the Exchange Stabilization Fund at such times and in such amounts as the Secretary of the Treasury may determine.

Redemption.

SEC. 5. (a) The third sentence of the second paragraph of section 16 of the Federal Reserve Act, as amended (12 U.S.C. 412), is amended by inserting "or Special Drawing Right certificates," after "gold certificates,"

59 Stat. 237.

(b) The first sentence of the fifth paragraph of section 16 of the Federal Reserve Act, as amended (12 U.S.C. 415), is amended by inserting "Special Drawing Right certificates," after "gold certificates,"

40 Stat. 237.

(c) The seventh paragraph of section 16 of the Federal Reserve Act, as amended (12 U.S.C. 417), is amended by (i) inserting "Special Drawing Right certificates," after "gold certificates" in the first sentence; (ii) inserting "Special Drawing Right certificates," after "gold certificates," in the second sentence; and (iii) inserting "and Special Drawing Right certificates" after "gold certificates" in the third sentence.

(d) The fifteenth paragraph of section 16 of the Federal Reserve Act, as amended (12 U.S.C. 467), is amended by inserting (i) "or of Special Drawing Right certificates" after "gold certificates" in the first sentence, and (ii) by striking the third sentence and inserting in lieu thereof "Deposits so made shall be held subject to the orders of the Board of Governors of the Federal Reserve System and deposits of gold or gold certificates shall be payable in gold certificates, and deposits of Special Drawing Right certificates shall be payable in Special Drawing Right certificates, on the order of the Board of Governors of the Federal Reserve System to any Federal Reserve bank or Federal Reserve agent at the Treasury or at the subtreasury of the United States nearest the place of business of such Federal Reserve bank or such Federal Reserve agent."

Deposit provisions.
40 Stat. 238.

SEC. 6. Unless Congress by law authorizes such action, neither the President nor any person or agency shall on behalf of the United States vote to allocate Special Drawing Rights under article XXIV, sections 2 and 3, of the Articles of Agreement of the Fund so that net cumulative allocations to the United States exceed an amount equal to the United States quota in the Fund as heretofore authorized under the Bretton Woods Agreements Act of 1945, as amended (31 U.S.C. 822a (c), 22 U.S.C. 286e, 286e-1 (a), 286e-1b).

59 Stat. 514;
73 Stat. 80;
79 Stat. 119.

SEC. 7. The provisions of article XXVII(b) of the Articles of Agreement of the Fund shall have full force and effect in the United States and its territories and possessions when the United States becomes a participant in the special drawing account.

Approved June 19, 1968.

Public Law 90-350

June 19, 1968
[H. R. 16489]

AN ACT

Making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending June 30, 1969, and for other purposes.

Treasury, Post
Office, and Exec-
utive Office Ap-
propriation Act,
1969.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury and Post Office Departments, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending June 30, 1969, and for other purposes, namely:

TITLE I—TREASURY DEPARTMENT

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses in the Office of the Secretary, including the operation and maintenance of the Treasury Building and Annex thereof; services as authorized by title 5, United States Code, section 3109; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); and not to exceed \$5,000 for official reception and representation expenses; \$7,668,000.

80 Stat. 416.

80 Stat. 508;
81 Stat. 206.

BUREAU OF ACCOUNTS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Accounts, \$42,999,000.

PAYMENT OF GOVERNMENT LOSSES IN SHIPMENT

For an additional amount for payment of Government losses in shipment, in accordance with section 2 of the Act approved July 8, 1937 (40 U.S.C. 722), \$400,000, to remain available until expended.

50 Stat. 479.

BUREAU OF CUSTOMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Customs, including purchase of ninety-eight passenger motor vehicles (of which ninety shall be for replacement only) including eighty-eight for police-type use which may exceed by \$300 each the general purchase price limitation for the current fiscal year; acquisition, operation, and maintenance of one aircraft; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); services as authorized by title 5, United States Code, section 3109; and awards of compensation to informers as authorized by the Act of August 13, 1953 (22 U.S.C. 401); \$97,700,000.

67 Stat. 577.

BUREAU OF ENGRAVING AND PRINTING

AIR-CONDITIONING THE BUREAU OF ENGRAVING AND PRINTING BUILDINGS

For an additional amount for necessary expenses in connection with air-conditioning the Bureau of Engraving and Printing Buildings, \$400,000, to remain available until expended.

BUREAU OF THE MINT

SALARIES AND EXPENSES

For necessary expenses of the Bureau of the Mint, including purchase and maintenance of uniforms and accessories for guards; services as authorized by title 5, United States Code, section 3109; and not to exceed \$1,000 for the expenses of the annual assay commission; \$14,200,000.

80 Stat. 416.

BUREAU OF NARCOTICS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Narcotics, including services as authorized by title 5, United States Code, section 3109; and hire of passenger motor vehicles; \$8,985,000.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902), and services as authorized by 5 U.S.C. 3109, \$56,900,000.

80 Stat. 508;
81 Stat. 206.

INTERNAL REVENUE SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Internal Revenue Service, not otherwise provided for, including executive direction, administrative support, and internal audit and security; hire of passenger motor vehicles; and services as authorized by title 5, United States Code, section 3109, and of expert witnesses at such rates as may be determined by the Commissioner; \$21,630,000.

REVENUE ACCOUNTING AND PROCESSING

For necessary expenses of the Internal Revenue Service for processing tax returns, and revenue accounting; hire of passenger motor vehicles; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); and services as authorized by title 5, United States Code, section 3109, and of expert witnesses at such rates as may be determined by the Commissioner, including not to exceed \$29,400,000 for temporary employment and not to exceed \$77,000 for salaries of personnel engaged in preemployment training of card punch operator applicants; \$187,000,000.

COMPLIANCE

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities, and for investigation and enforcement activities, including purchase (not to exceed two hundred and forty-six for replacement only, for police-type use which may exceed by \$300 each the general purchase price limitation for the current fiscal year) and hire of passenger motor vehicles; uniforms

80 Stat. 508;
81 Stat. 206.
80 Stat. 416.

or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); and services as authorized by title 5, United States Code, section 3109, and of expert witnesses at such rates as may be determined by the Commissioner; \$541,500,000.

OFFICE OF THE TREASURER

SALARIES AND EXPENSES

For necessary expenses of the Office of the Treasurer, \$6,878,000.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Secret Service, including purchase (not to exceed one hundred and seventy-one for police-type use which may exceed by \$300 each the general purchase price limitation for the current fiscal year, of which one hundred and twenty-nine are for replacement only), and hire of passenger motor vehicles, hire of aircraft, services as authorized by title 5, United States Code, section 3109, and purchase, repair, and cleaning of uniforms; \$20,900,000.

CONSTRUCTION OF SECRET SERVICE TRAINING FACILITIES

For expenses necessary for construction of Secret Service training facilities, \$800,000, to remain available until expended.

This title may be cited as the "Treasury Department Appropriation Act, 1969".

Citation of
title.

TITLE II—POST OFFICE DEPARTMENT

CURRENT AUTHORIZATIONS OUT OF GENERAL FUNDS

CONTRIBUTION TO THE POSTAL FUND

For administration and operation of the Post Office Department and the postal service, there is hereby appropriated the aggregate amount of postal revenues for the current fiscal year, as authorized by law (39 U.S.C. 2201-2202), together with an amount equal to the difference between such revenues and the total of the appropriations hereinafter specified and the sum needed may be advanced to the Post Office Department upon requisition of the Postmaster General, for the following purposes, namely:

74 Stat. 594;
80 Stat. 274.

CURRENT AUTHORIZATIONS OUT OF POSTAL FUND ADMINISTRATION AND REGIONAL OPERATION

For expenses necessary for administration of the postal service, operation of the inspection service and regional offices, uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), including services as authorized by title 5, United States Code, section 3109; management studies; not to exceed \$25,000 for miscellaneous and emergency expenses (including not to exceed \$6,000 for official reception and representation expenses upon approval by the Postmaster General); rewards for information and services concerning violations of postal laws and regulations, current and prior fiscal

years, in accordance with regulations of the Postmaster General in effect at the time the services are rendered or information furnished, of which not to exceed \$35,000 for confidential information and services shall be paid in the discretion of the Postmaster General and accounted for solely on his certificate; and expenses of delegates designated by the Postmaster General to attend meetings and congresses for the purpose of making postal arrangements with foreign governments pursuant to law, and not to exceed \$20,000 of such expenses to be accounted for solely on the certificate of the Postmaster General; \$119,000,000: *Provided*, That none of the funds appropriated in this Act shall be available for the payment of salaries and expenses of Special Assistants to Regional Directors for Public Information.

RESEARCH, DEVELOPMENT, AND ENGINEERING

For expenses necessary for administration and conduct of a research, development, and engineering program, including services as authorized by title 5, United States Code, section 3109, \$35,000,000, to remain available until expended.

80 Stat. 416.

OPERATIONS

For expenses necessary for postal operations, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902) and services as authorized by title 5, United States Code, section 3109; for repair of vehicles owned by, or under control of, units of the National Guard and departments and agencies of the Federal Government where repairs are made necessary because of utilization of such vehicles in the postal service; and for other activities conducted by the Post Office Department pursuant to law; \$5,720,000,000: *Provided*, That functions financed by the appropriations available to the Post Office Department for the current fiscal year and the amounts appropriated therefor, may be transferred, with the approval of the Bureau of the Budget, between such appropriations to the extent necessary to improve administration and operations: *Provided further*, That Federal Reserve banks and branches may be reimbursed for expenditures as fiscal agents of the United States on account of Post Office Department operations.

80 Stat. 508;
81 Stat. 206.

TRANSPORTATION

For payments for transportation of domestic and foreign mails by air, land, and water transportation facilities, including current and prior fiscal years settlements with foreign countries for handling of mail, \$684,000,000.

BUILDING OCCUPANCY

For expenses necessary for the operation of postal facilities, buildings, and postal communication service; and storage of vehicles owned by, or under control of, units of the National Guard and departments and agencies of the Federal Government, \$210,000,000.

SUPPLIES AND SERVICES

For expenses necessary for the postal services and supply operation, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901); including procurement of stamps and accountable paper, and postal supplies, \$110,000,000.

PLANT AND EQUIPMENT

For expenses necessary for modernization and acquisition of equipment and facilities for postal purposes, including not to exceed \$2,000,000 for increases in prior year orders placed with other Government agencies in addition to current increases in prior year orders or contracts made as a result of changes in plans, \$200,000,000: *Provided*, That the funds herein appropriated shall be available for repair, alteration, and improvement of the mail equipment shops at Washington, District of Columbia, the Post Office Garage, Philadelphia, Pennsylvania, the Post Office and Vehicle Maintenance Facility, Flint, Michigan, and for payment to the General Services Administration for the repair, alteration, preservation, renovation, improvement, and equipment of federally owned property used for postal purposes, including improved lighting, color, and ventilation for the specialized conditions in space occupied for postal purposes.

POSTAL PUBLIC BUILDINGS

For expenses, not otherwise provided for, necessary in connection with site acquisition, design, construction, and acquisition of postal buildings pursuant to the Public Buildings Act of 1959 (73 Stat. 479), as amended, \$50,000,000, to remain available until expended: *Provided*, That this appropriation shall be available for postal building projects at locations approved by the Committee on Public Works of the House of Representatives and of the Senate and at maximum construction costs (excluding costs of site acquisition, design, and preconstruction expenses) as estimated for each project in testimony to the Committees on Appropriations of the House and Senate: *Provided further*, That the limits of cost for each project may be exceeded by not to exceed 10 per centum and the amount of any such excess cost may be provided from funds available in this appropriation to the extent that savings are effected in other projects.

This title may be cited as the "Post Office Department Appropriation Act, 1969".

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of \$50,000 per annum as authorized by the Act of January 19, 1949 (3 U.S.C. 102), \$150,000.

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

For expenses necessary for the White House Office, including not to exceed \$250,000 for services as authorized by title 5, United States Code, section 3109, at such per diem rates for individuals as the President may specify, and other personal services without regard to the provisions of law regulating the employment and compensation of persons in the Government service; newspapers, periodicals, teletype news service, and travel, and official entertainment expenses of the President, to be accounted for solely on his certificate; \$3,229,000.

40 USC 601
note.

Citation of
title.

63 Stat. 4.

80 Stat. 416.

SPECIAL PROJECTS

For expenses necessary to provide staff assistance for the President in connection with special projects, to be expended in his discretion and without regard to such provisions of law regarding the expenditure of Government funds or the compensation and employment of persons in the Government service as he may specify, \$1,500,000: *Provided*, That not to exceed 20 per centum of this appropriation may be used to reimburse the appropriation for "Salaries and expenses, The White House Office", for administrative services: *Provided further*, That not to exceed \$10,000 shall be available for allocation within the Executive Office of the President for official reception and representation expenses.

OPERATING EXPENSES, EXECUTIVE MANSION

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Mansion, and traveling expenses, to be expended as the President may determine, notwithstanding the provisions of this or any other Act, and official entertainment expenses of the President, to be accounted for solely on his certificate; \$823,000.

BUREAU OF THE BUDGET

SALARIES AND EXPENSES

For expenses necessary for the Bureau of the Budget, including services as authorized by title 5, United States Code, section 3109, \$10,000,000.

80 Stat. 416.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), \$880,000.

60 Stat. 23.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For expenses necessary for the National Security Council, including services as authorized by title 5, United States Code, section 3109, and acceptance and utilization of voluntary and uncompensated services, \$664,000.

EMERGENCY FUND FOR THE PRESIDENT

For expenses necessary to enable the President, through such officers or agencies of the Government as he may designate, and without regard to such provisions of law regarding the expenditure of Government funds or the compensation and employment of persons in the Government service as he may specify, to provide in his discretion for emergencies affecting the national interest, security, or defense which may arise at home or abroad during the current fiscal year, \$1,000,000: *Provided*, That no part of this appropriation shall be available for allocation to finance a function or project for which function or project

a budget estimate of appropriation was transmitted pursuant to law during the Ninetieth Congress or first session of the Ninety-first Congress, and such appropriation denied after consideration thereof by the Senate or House of Representatives or by the Committee on Appropriations of either body.

EXPENSES OF MANAGEMENT IMPROVEMENT

For expenses necessary to assist the President in improving the management of executive agencies and in obtaining greater economy and efficiency through the establishment of more efficient business methods in Government operations, including services as authorized by title 5, United States Code, section 3109, by allocation to any agency or office in the executive branch for the conduct, under the general direction of the Bureau of the Budget, of examinations and appraisals of, and the development and installation of improvements in, the organization and operations of such agency or of other agencies in the executive branch, \$350,000, to remain available until expended, and to be available without regard to the provisions of subsection (c) of section 3679 of the Revised Statutes, as amended.

This title may be cited as the "Executive Office Appropriation Act, 1969".

TITLE IV—INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, established by the Administrative Conference Act (78 Stat. 615), \$250,000.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Act of September 24, 1959 (73 Stat. 703-706), \$551,000.

COMMISSION ON OBSCENITY AND PORNOGRAPHY

SALARIES AND EXPENSES

For expenses necessary for the Commission on Obscenity and Pornography, established by the Act of October 3, 1967 (Public Law 90-100), including hire of passenger motor vehicles, \$643,000, to remain available until July 31, 1970.

TAX COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses, including contract stenographic reporting services, \$2,477,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

80 Stat. 416.

31 USC 665.

Citation of
title.

80 Stat. 388.
5 USC 571-576
and notes.

80 Stat. 1162.
50 USC 1501-
1509.

81 Stat. 253.
18 USC 1461
note.

TITLE V—GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Section 5(b) of the Act entitled “An Act creating a commission to be known as the Commission on Obscenity and Pornography”, approved October 3, 1967 (Public Law 90-100), is amended by striking out “January 31, 1970” and inserting in lieu thereof “July 31, 1970”.

This Act may be cited as the “Treasury, Post Office, and Executive Office Appropriation Act, 1969”.

Approved June 19, 1968.

Report to President and Congress.

81 Stat. 255.
18 USC 1461 note.

Short title.

Public Law 90-351

AN ACT

To assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

June 19, 1968
[H. R. 5037]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Omnibus Crime Control and Safe Streets Act of 1968”.

Omnibus Crime
Control and Safe
Streets Act of 1968.

TITLE I—LAW ENFORCEMENT ASSISTANCE

DECLARATIONS AND PURPOSE

Congress finds that the high incidence of crime in the United States threatens the peace, security, and general welfare of the Nation and its citizens. To prevent crime and to insure the greater safety of the people, law enforcement efforts must be better coordinated, intensified, and made more effective at all levels of government.

Congress finds further that crime is essentially a local problem that must be dealt with by State and local governments if it is to be controlled effectively.

It is therefore the declared policy of the Congress to assist State and local governments in strengthening and improving law enforcement at every level by national assistance. It is the purpose of this title to (1) encourage States and units of general local government to prepare and adopt comprehensive plans based upon their evaluation of State and local problems of law enforcement; (2) authorize grants to States and units of local government in order to improve and strengthen law enforcement; and (3) encourage research and development directed toward the improvement of law enforcement and the development of new methods for the prevention and reduction of crime and the detection and apprehension of criminals.

PART A—LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

SEC. 101. (a) There is hereby established within the Department of Justice, under the general authority of the Attorney General, a Law Enforcement Assistance Administration (hereafter referred to in this title as "Administration").

(b) The Administration shall be composed of an Administrator of Law Enforcement Assistance and two Associate Administrators of Law Enforcement Assistance, who shall be appointed by the President, by and with the advice and consent of the Senate. No more than two members of the Administration shall be the same political party, and members shall be appointed with due regard to their fitness, knowledge, and experience to perform the functions, powers, and duties vested in the Administration by this title.

(c) It shall be the duty of the Administration to exercise all of the functions, powers, and duties created and established by this title, except as otherwise provided.

PART B—PLANNING GRANTS

SEC. 201. It is the purpose of this part to encourage States and units of general local government to prepare and adopt comprehensive law enforcement plans based on their evaluation of State and local problems of law enforcement.

State planning
agencies.

SEC. 202. The Administration shall make grants to the States for the establishment and operation of State law enforcement planning agencies (hereinafter referred to in this title as "State planning agencies") for the preparation, development, and revision of the State plans required under section 303 of this title. Any State may make application to the Administration for such grants within six months of the date of enactment of this Act.

SEC. 203. (a) A grant made under this part to a State shall be utilized by the State to establish and maintain a State planning agency. Such agency shall be created or designated by the chief executive of the State and shall be subject to his jurisdiction. The State planning agency shall be representative of law enforcement agencies of the State and of the units of general local government within the State.

(b) The State planning agency shall—

Functions.

(1) develop, in accordance with part C, a comprehensive statewide plan for the improvement of law enforcement throughout the State;

(2) define, develop, and correlate programs and projects for the State and the units of general local government in the State or combinations of States or units for improvement in law enforcement; and

(3) establish priorities for the improvement in law enforcement throughout the State.

(c) The State planning agency shall make such arrangements as such agency deems necessary to provide that at least 40 per centum of all Federal funds granted to such agency under this part for any fiscal year will be available to units of general local government or combinations of such units to enable such units and combinations of such units to participate in the formulation of the comprehensive State plan required under this part. Any portion of such 40 per centum in any State for any fiscal year not required for the purpose set forth in the preceding sentence shall be available for expenditure by such State agency from time to time on dates during such year as the Administration may fix, for the development by it of the State plan required under this part.

SEC. 204. A Federal grant authorized under this part shall not exceed 90 per centum of the expenses of the establishment and operation of the State planning agency, including the preparation, development, and revision of the plans required by part C. Where Federal grants under this part are made directly to units of general local government as authorized by section 305, the grant shall not exceed 90 per centum of the expenses of local planning, including the preparation, development, and revision of plans required by part C.

SEC. 205. Funds appropriated to make grants under this part for a fiscal year shall be allocated by the Administration among the States for use therein by the State planning agency or units of general local government, as the case may be. The Administration shall allocate \$100,000 to each of the States; and it shall then allocate the remainder of such funds available among the States according to their relative populations.

Allocation of funds.

PART C—GRANTS FOR LAW ENFORCEMENT PURPOSES

SEC. 301. (a) It is the purpose of this part to encourage States and units of general local government to carry out programs and projects to improve and strengthen law enforcement.

(b) The Administration is authorized to make grants to States having comprehensive State plans approved by it under this part, for—

(1) Public protection, including the development, demonstration, evaluation, implementation, and purchase of methods, devices, facilities, and equipment designed to improve and strengthen law enforcement and reduce crime in public and private places.

(2) The recruiting of law enforcement personnel and the training of personnel in law enforcement.

(3) Public education relating to crime prevention and encouraging respect for law and order, including education programs in schools and programs to improve public understanding of and cooperation with law enforcement agencies.

(4) Construction of buildings or other physical facilities which would fulfill or implement the purposes of this section.

(5) The organization, education, and training of special law enforcement units to combat organized crime, including the establishment and development of State organized crime prevention councils, the recruiting and training of special investigative and prosecuting personnel, and the development of systems for collecting, storing, and disseminating information relating to the control of organized crime.

(6) The organization, education, and training of regular law enforcement officers, special law enforcement units, and law enforcement reserve units for the prevention, detection, and control of riots and other violent civil disorders, including the acquisition of riot control equipment.

(7) The recruiting, organization, training and education of community service officers to serve with and assist local and State law enforcement agencies in the discharge of their duties through such activities as recruiting; improvement of police-community relations and grievance resolution mechanisms; community patrol activities; encouragement of neighborhood participation in crime prevention and public safety efforts; and other activities designed to improve police capabilities, public safety and the objectives of this section: *Provided*, That in no case shall a grant be made under this subcategory without the approval of the local government or local law enforcement agency.

Federal grants,
amounts.

(c) The amount of any Federal grant made under paragraph (5) or (6) of subsection (b) of this section may be up to 75 per centum of the cost of the program or project specified in the application for such grant. The amount of any grant made under paragraph (4) of subsection (b) of this section may be up to 50 per centum of the cost of the program or project specified in the application for such grant. The amount of any other grant made under this part may be up to 60 per centum of the cost of the program or project specified in the application for such grant: *Provided*, That no part of any grant for the purpose of construction of buildings or other physical facilities shall be used for land acquisition.

Prohibition.

(d) Not more than one-third of any grant made under this part may be expended for the compensation of personnel. The amount of any such grant expended for the compensation of personnel shall not exceed the amount of State or local funds made available to increase such compensation. The limitations contained in this subsection shall not apply to the compensation of personnel for time engaged in conducting or undergoing training programs.

SEC. 302. Any State desiring to participate in the grant program under this part shall establish a State planning agency as described in part B of this title and shall within six months after approval of a planning grant under part B submit to the Administration through

such State planning agency a comprehensive State plan formulated pursuant to part B of this title.

SEC. 303. The Administration shall make grants under this title to a State planning agency if such agency has on file with the Administration an approved comprehensive State plan (not more than one year in age) which conforms with the purposes and requirements of this title. Each such plan shall—

Comprehensive
State plans, re-
quirements.

(1) provide for the administration of such grants by the State planning agency;

(2) provide that at least 75 per centum of all Federal funds granted to the State planning agency under this part for any fiscal year will be available to units of general local government or combinations of such units for the development and implementation of programs and projects for the improvement of law enforcement;

(3) adequately take into account the needs and requests of the units of general local government in the State and encourage local initiative in the development of programs and projects for improvements in law enforcement, and provide for an appropriately balanced allocation of funds between the State and the units of general local government in the State and among such units;

(4) incorporate innovations and advanced techniques and contain a comprehensive outline of priorities for the improvement and coordination of all aspects of law enforcement dealt with in the plan, including descriptions of: (A) general needs and problems; (B) existing systems; (C) available resources; (D) organizational systems and administrative machinery for implementing the plan; (E) the direction, scope, and general types of improvements to be made in the future; and (F) to the extent appropriate, the relationship of the plan to other relevant State or local law enforcement plans and systems;

(5) provide for effective utilization of existing facilities and permit and encourage units of general local government to combine or provide for cooperative arrangements with respect to services, facilities, and equipment;

(6) provide for research and development;

(7) provide for appropriate review of procedures of actions taken by the State planning agency disapproving an application for which funds are available or terminating or refusing to continue financial assistance to units of general local government or combinations of such units;

(8) demonstrate the willingness of the State and units of general local government to assume the costs of improvements funded under this part after a reasonable period of Federal assistance;

(9) demonstrate the willingness of the State to contribute technical assistance or services for programs and projects contemplated by the statewide comprehensive plan and the programs and projects contemplated by units of general local government;

(10) set forth policies and procedures designed to assure that Federal funds made available under this title will be so used as not to supplant State or local funds, but to increase the amounts of such funds that would in the absence of such Federal funds be made available for law enforcement;

(11) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting of funds received under this part; and

(12) provide for the submission of such reports in such form and containing such information as the Administration may reasonably require.

Any portion of the 75 per centum to be made available pursuant to paragraph (2) of this section in any State in any fiscal year not required for the purposes set forth in such paragraph (2) shall be available for expenditure by such State agency from time to time on dates during such year as the Administration may fix, for the development and implementation of programs and projects for the improvement of law enforcement and in conformity with the State plan.

SEC. 304. State planning agencies shall receive applications for financial assistance from units of general local government and combinations of such units. When a State planning agency determines that such an application is in accordance with the purposes stated in section 301 and is in conformance with any existing statewide comprehensive law enforcement plan, the State planning agency is authorized to disburse funds to the applicant.

Grants to local
government units.

SEC. 305. Where a State fails to make application for a grant to establish a State planning agency pursuant to part B of this title within six months after the date of enactment of this Act, or where a State fails to file a comprehensive plan pursuant to part B within six months after approval of a planning grant to establish a State planning agency, the Administration may make grants under part B and part C of this title to units of general local government or combinations of such units: *Provided, however,* That any such unit or combination of such units must certify that it has submitted a copy of its application to the chief executive of the State in which such unit or combination of such units is located. The chief executive shall be given not more than sixty days from date of receipt of the application to submit to the Administration in writing an evaluation of the project set forth in the application. Such evaluation shall include comments on the relationship of the application to other applications then pending, and to existing or proposed plans in the State for the development of new approaches to and improvements in law enforcement. If an application is submitted by a combination of units of general local government which is located in more than one State, such application must be submitted to the chief executive of each State in which the combination of such units is located. No grant under this section to a local unit of general government shall be for an amount in excess of 60 per centum of the cost of the project or program with respect to which it was made.

Project evaluation by State
chief executive.

Amount.

Allocation of
funds.

SEC. 306. Funds appropriated to make grants under this part for a fiscal year shall be allocated by the Administration among the States for use therein by the State planning agency or units of general local government, as the case may be. Of such funds, 85 per centum shall be allocated among the States according to their respective populations and 15 per centum thereof shall be allocated as the Administration may determine, plus such additional amounts as may be made available by virtue of the application of the provisions of section 509 to the grant to any State.

Priority programs.

SEC. 307. (a) In making grants under this part, the Administration and each State planning agency, as the case may be, shall give special emphasis, where appropriate or feasible, to programs and projects dealing with the prevention, detection, and control of organized crime and of riots and other violent civil disorders.

(b) Notwithstanding the provisions of section 303 of this part, until August 31, 1968, the Administration is authorized to make grants for programs and projects dealing with the prevention, detection, and

control of riots and other violent civil disorders on the basis of applications describing in detail the programs, projects, and costs of the items for which the grants will be used, and the relationship of the programs and projects to the applicant's general program for the improvement of law enforcement.

PART D—TRAINING, EDUCATION, RESEARCH, DEMONSTRATION, AND SPECIAL GRANTS

SEC. 401. It is the purpose of this part to provide for and encourage training, education, research, and development for the purpose of improving law enforcement and developing new methods for the prevention and reduction of crime, and the detection and apprehension of criminals.

SEC. 402. (a) There is established within the Department of Justice a National Institute of Law Enforcement and Criminal Justice (hereafter referred to in this part as "Institute"). The Institute shall be under the general authority of the Administration. It shall be the purpose of the Institute to encourage research and development to improve and strengthen law enforcement.

National Institute of Law Enforcement and Criminal Justice. Establishment.

(b) The Institute is authorized--

Functions.

(1) to make grants to, or enter into contracts with, public agencies, institutions of higher education, or private organizations to conduct research, demonstrations, or special projects pertaining to the purposes described in this title, including the development of new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement;

(2) to make continuing studies and undertake programs of research to develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement, including, but not limited to, the effectiveness of projects or programs carried out under this title;

(3) to carry out programs of behavioral research designed to provide more accurate information on the causes of crime and the effectiveness of various means of preventing crime, and to evaluate the success of correctional procedures;

(4) to make recommendations for action which can be taken by Federal, State, and local governments and by private persons and organizations to improve and strengthen law enforcement;

(5) to carry out programs of instructional assistance consisting of research fellowships for the programs provided under this section, and special workshops for the presentation and dissemination of information resulting from research, demonstrations, and special projects authorized by this title.

(6) to carry out a program of collection and dissemination of information obtained by the Institute or other Federal agencies, public agencies, institutions of higher education, or private organizations engaged in projects under this title, including information relating to new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement; and

(7) to establish a research center to carry out the programs described in this section.

SEC. 403. A grant authorized under this part may be up to 100 per centum of the total cost of each project for which such grant is made. The Administration shall require, whenever feasible, as a condition of approval of a grant under this part, that the recipient contribute money, facilities, or services to carry out the purpose for which the grant is sought.

Grants, amount.

Conditions.

F.B.I. law enforcement training programs.

SEC. 404. (a) The Director of the Federal Bureau of Investigation is authorized to—

(1) establish and conduct training programs at the Federal Bureau of Investigation National Academy at Quantico, Virginia, to provide, at the request of a State or unit of local government, training for State and local law enforcement personnel;

(2) develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement; and

(3) assist in conducting, at the request of a State or unit of local government, local and regional training programs for the training of State and local law enforcement personnel. Such training shall be provided only for persons actually employed as State police or highway patrol, police of a unit of local government, sheriffs and their deputies, and such other persons as the State or unit may nominate for police training while such persons are actually employed as officers of such State or unit.

(b) In the exercise of the functions, powers, and duties established under this section the Director of the Federal Bureau of Investigation shall be under the general authority of the Attorney General.

SEC. 405. (a) Subject to the provisions of this section, the Law Enforcement Assistance Act of 1965 (79 Stat. 828) is repealed: *Provided, That—*

(1) The Administration, or the Attorney General until such time as the members of the Administration are appointed, is authorized to obligate funds for the continuation of projects approved under the Law Enforcement Assistance Act of 1965 prior to the date of enactment of this Act to the extent that such approval provided for continuation.

(2) Any funds obligated under subsection (1) of this section and all activities necessary or appropriate for the review under subsection (3) of this section may be carried out with funds previously appropriated and funds appropriated pursuant to this title.

(3) Immediately upon establishment of the Administration, it shall be its duty to study, review, and evaluate projects and programs funded under the Law Enforcement Assistance Act of 1965. Continuation of projects and programs under subsections (1) and (2) of this section shall be in the discretion of the Administration.

SEC. 406. (a) Pursuant to the provisions of subsections (b) and (c) of this section, the Administration is authorized, after appropriate consultation with the Commissioner of Education, to carry out programs of academic educational assistance to improve and strengthen law enforcement.

(b) The Administration is authorized to enter into contracts to make, and make, payments to institutions of higher education for loans, not exceeding \$1,800 per academic year to any person, to persons enrolled on a full-time basis in undergraduate or graduate programs approved by the Administration and leading to degrees or certificates in areas directly related to law enforcement or preparing for employment in law enforcement, with special consideration to police or correctional personnel of States or units of general local government on academic leave to earn such degrees or certificates. Loans to persons assisted under this subsection shall be made on such terms and conditions as the Administration and the institution offering such programs may determine, except that the total amount of any such loan, plus interest, shall be canceled for service as a full-time officer or employee of a law enforcement agency at the rate of 25 per centum of the total

Repeal.

18 USC prec.
3001 note.

Continuation of
projects.

Academic edu-
cational assist-
ance.

Loans.

amount of such loans plus interest for each complete year of such service or its equivalent of such service, as determined under regulations of the Administration.

(c) The Administration is authorized to enter into contracts to make, and make, payments to institutions of higher education for tuition and fees, not exceeding \$200 per academic quarter or \$300 per semester for any person, for officers of any publicly funded law enforcement agency enrolled on a full-time or part-time basis in courses included in an undergraduate or graduate program which is approved by the Administration and which leads to a degree or certificate in an area related to law enforcement or an area suitable for persons employed in law enforcement. Assistance under this subsection may be granted only on behalf of an applicant who enters into an agreement to remain in the service of the law enforcement agency employing such applicant for a period of two years following completion of any course for which payments are provided under this subsection, and in the event such service is not completed, to repay the full amount of such payments on such terms and in such manner as the Administration may prescribe.

Tuition and fees.

Service agreements.

PART E—ADMINISTRATIVE PROVISIONS

SEC. 501. The Administration is authorized, after appropriate consultation with representatives of States and units of general local government, to establish such rules, regulations, and procedures as are necessary to the exercise of its functions, and are consistent with the stated purpose of this title.

SEC. 502. The Administration may delegate to any officer or official of the Administration, or, with the approval of the Attorney General, to any officer of the Department of Justice such functions as it deems appropriate.

SEC. 503. The functions, powers, and duties specified in this title to be carried out by the Administration shall not be transferred elsewhere in the Department of Justice unless specifically hereafter authorized by the Congress.

SEC. 504. In carrying out its functions, the Administration, or upon authorization of the Administration, any member thereof or any hearing examiner assigned to or employed by the Administration, shall have the power to hold hearings, sign and issue subpoenas administer oaths, examine witnesses, and receive evidence at any place in the United States it may designate.

Subpoena power, etc.

SEC. 505. Section 5315 of title 5, United States Code, is amended by adding at the end thereof—

80 Stat. 461.

“(90) Administrator of Law Enforcement Assistance.”

SEC. 506. Section 5316 of title 5, United States Code, is amended by adding at the end thereof—

“(126) Associate Administrator of Law Enforcement Assistance.”

SEC. 507. Subject to the civil service and classification laws, the Administration is authorized to select, appoint, employ, and fix compensation of such officers and employees, including hearing examiners, as shall be necessary to carry out its powers and duties under this title.

Officers and employees.

SEC. 508. The Administration is authorized, on a reimbursable basis when appropriate, to use the available services, equipment, personnel, and facilities of the Department of Justice and of other civilian or military agencies and instrumentalities of the Federal Government, and to cooperate with the Department of Justice and such other agencies and instrumentalities in the establishment and

use of services, equipment, personnel, and facilities of the Administration. The Administration is further authorized to confer with and avail itself of the cooperation, services, records, and facilities of State, municipal, or other local agencies.

Noncompliance,
withholding of
payments.

SEC. 509. Whenever the Administration, after reasonable notice and opportunity for hearing to an applicant or a grantee under this title, finds that, with respect to any payments made or to be made under this title, there is a substantial failure to comply with—

- (a) the provisions of this title;
- (b) regulations promulgated by the Administration under this title; or
- (c) a plan or application submitted in accordance with the provisions of this title;

the Administration shall notify such applicant or grantee that further payments shall not be made (or in its discretion that further payments shall not be made for activities in which there is such failure), until there is no longer such failure.

SEC. 510. (a) In carrying out the functions vested by this title in the Administration, the determination, findings, and conclusions of the Administration shall be final and conclusive upon all applicants, except as hereafter provided.

Notice and
hearing.

(b) If the application has been rejected or an applicant has been denied a grant or has had a grant, or any portion of a grant, discontinued, or has been given a grant in a lesser amount than such applicant believes appropriate under the provisions of this title, the Administration shall notify the applicant or grantee of its action and set forth the reason for the action taken. Whenever an applicant or grantee requests a hearing on action taken by the Administration on an application or a grant the Administration, or any authorized officer thereof, is authorized and directed to hold such hearings or investigations at such times and places as the Administration deems necessary, following appropriate and adequate notice to such applicant; and the findings of fact and determinations made by the Administration with respect thereto shall be final and conclusive, except as otherwise provided herein.

Request for
rehearing.

(c) If such applicant is still dissatisfied with the findings and determinations of the Administration, following the notice and hearing provided for in subsection (b) of this section, a request may be made for rehearing, under such regulations and procedures as the Administration may establish, and such applicant shall be afforded an opportunity to present such additional information as may be deemed appropriate and pertinent to the matter involved. The findings and determinations of the Administration, following such rehearing, shall be final and conclusive upon all parties concerned, except as hereafter provided.

Review action.

SEC. 511. (a) If any applicant or grantee is dissatisfied with the Administration's final action with respect to the approval of its application or plan submitted under this title, or any applicant or grantee is dissatisfied with the Administration's final action under section 509 or section 510, such applicant or grantee may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such applicant or grantee is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Administration. The Administration shall thereupon file in the court the record of the proceedings on which the action of the Administration was based, as provided in section 2112 of title 28, United States Code.

(b) The determinations and the findings of fact by the Administration, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Administration to take further evidence. The Administration may thereupon make new or modified findings of fact and may modify its previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact or determinations shall likewise be conclusive if supported by substantial evidence.

(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Administration or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

SEC. 512. Unless otherwise specified in this title, the Administration shall carry out the programs provided for in this title during the fiscal year ending June 30, 1968, and the five succeeding fiscal years.

SEC. 513. To insure that all Federal assistance to State and local programs under this title is carried out in a coordinated manner, the Administration is authorized to request any Federal department or agency to supply such statistics, data, program reports, and other material as the Administration deems necessary to carry out its functions under this title. Each such department or agency is authorized to cooperate with the Administration and, to the extent permitted by law, to furnish such materials to the Administration. Any Federal department or agency engaged in administering programs related to this title shall, to the maximum extent practicable, consult with and seek advice from the Administration to insure fully coordinated efforts, and the Administration shall undertake to coordinate such efforts.

SEC. 514. The Administration may arrange with and reimburse the heads of other Federal departments and agencies for the performance of any of its functions under this title.

SEC. 515. The Administration is authorized—

(a) to conduct evaluation studies of the programs and activities assisted under this title;

(b) to collect, evaluate, publish, and disseminate statistics and other information on the condition and progress of law enforcement in the several States; and

(c) to cooperate with and render technical assistance to States, units of general local government, combinations of such States or units, or other public or private agencies, organizations, or institutions in matters relating to law enforcement.

SEC. 516. (a) Payments under this title may be made in installments, and in advance or by way of reimbursement, as may be determined by the Administration.

(b) Not more than 12 per centum of the sums appropriated for any fiscal year to carry out the provisions of this title may be used within any one State except that this limitation shall not apply to grants made pursuant to part D.

SEC. 517. The Administration is authorized to appoint such technical or other advisory committees to advise the Administration with respect to the administration of this title as it deems necessary. Members of such committees not otherwise in the employ of the United States, while attending meetings of the committees, shall be entitled to receive compensation at a rate to be fixed by the Administration but not exceeding \$75 per diem, and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

62 Stat. 928.

Duration of
programs.

Statistics, etc.,
from other Federal
departments.

Restriction.

Advisory com-
mittees, appoint-
ment and compen-
sation.

80 Stat. 499.

SEC. 518. (a) Nothing contained in this title or any other Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over any police force or any other law enforcement agency of any State or any political subdivision thereof.

(b) Notwithstanding any other provision of law nothing contained in this title shall be construed to authorize the Administration (1) to require, or condition the availability or amount of a grant upon, the adoption by an applicant or grantee under this title of a percentage ratio, quota system, or other program to achieve racial balance or to eliminate racial imbalance in any law enforcement agency, or (2) to deny or discontinue a grant because of the refusal of an applicant or grantee under this title to adopt such a ratio, system, or other program.

Report to President and Congress.

SEC. 519. On or before August 31, 1968, and each year thereafter, the Administration shall report to the President and to the Congress on activities pursuant to the provisions of this title during the preceding fiscal year.

Appropriations.

SEC. 520. For the purpose of carrying out this title, there is authorized to be appropriated the sums of \$100,111,000 for the fiscal years ending June 30, 1968, and June 30, 1969, \$300,000,000 for the fiscal year ending June 30, 1970, and for succeeding fiscal years such sums as the Congress might authorize: *Provided, however,* That of the amount appropriated for the fiscal years ending June 30, 1968, and June 30, 1969—

(a) the sum of \$25,000,000 shall be for the purposes of part B;

(b) the sum of \$50,000,000 shall be for the purposes of part C, of which amount—

Post, p. 638.

(1) not more than \$2,500,000 shall be for the purposes of section 302(b)(3);

(2) not more than \$15,000,000 shall be for the purposes of section 302(b)(5), of which not more than \$1,000,000 may be used within any one State;

(3) not more than \$15,000,000 shall be for the purposes of section 302(b)(6); and

(4) not more than \$10,000,000 shall be for the purposes of correction, probation, and parole; and

(c) the sum of \$25,111,000 shall be for the purposes of part D, of which \$5,111,000 shall be for the purposes of section 404, and not more than \$10,000,000 shall be for the purposes of section 406.

Recordkeeping requirements.

SEC. 521. (a) Each recipient of assistance under this Act shall keep such records as the Administration shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Administration and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for purpose of audit and examinations to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this title.

80 Stat. 1262.
42 USC 3334.

SEC. 522. Section 204(a) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended by inserting "law enforcement facilities," immediately after "transportation facilities,".

PART F—DEFINITIONS

SEC. 601. As used in this title—

(a) "Law enforcement" means all activities pertaining to crime prevention or reduction and enforcement of the criminal law.

(b) "Organized crime" means the unlawful activities of the members of a highly organized, disciplined association engaged in supplying illegal goods and services, including but not limited to gambling, prostitution, loan sharking, narcotics, labor racketeering, and other unlawful activities of members of such organizations.

(c) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(d) "Unit of general local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, or an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior.

(e) "Combination" as applied to States or units of general local government means any grouping or joining together of such States or units for the purpose of preparing, developing, or implementing a law enforcement plan.

(f) "Construction" means the erection, acquisition, expansion, or repair (but not including minor remodeling or minor repairs) of new or existing buildings or other physical facilities, and the acquisition or installation of initial equipment therefor.

(g) "State organized crime prevention council" means a council composed of not more than seven persons established pursuant to State law or established by the chief executive of the State for the purpose of this title, or an existing agency so designated, which council shall be broadly representative of law enforcement officials within such State and whose members by virtue of their training or experience shall be knowledgeable in the prevention and control of organized crime.

(h) "Metropolitan area" means a standard metropolitan statistical area as established by the Bureau of the Budget, subject, however, to such modifications and extensions as the Administration may determine to be appropriate.

(i) "Public agency" means any State, unit of local government, combination of such States or units, or any department, agency, or instrumentality of any of the foregoing.

(j) "Institution of higher education" means any such institution as defined by section 801(a) of the Higher Education Act of 1965 (79 Stat. 1269; 20 U.S.C. 1141(a)), subject, however, to such modifications and extensions as the Administration may determine to be appropriate.

(k) "Community service officer" means any citizen with the capacity, motivation, integrity, and stability to assist in or perform police work but who may not meet ordinary standards for employment as a regular police officer selected from the immediate locality of the police department of which he is to be a part, and meeting such other qualifications promulgated in regulations pursuant to section 501 as the administration may determine to be appropriate to further the purposes of section 301(b)(7) and this Act.

Post, p. 638.

**TITLE II—ADMISSIBILITY OF CONFESSIONS, REVIEW-
ABILITY OF ADMISSION IN EVIDENCE OF CONFESSIONS
IN STATE CASES, ADMISSIBILITY IN EVIDENCE OF EYE
WITNESS TESTIMONY, AND PROCEDURES IN OBTAINING
WRITS OF HABEAS CORPUS**

62 Stat. 833;
71 Stat. 595.

SEC. 701. (a) Chapter 223, title 18, United States Code (relating to witnesses and evidence), is amended by adding at the end thereof the following new sections:

“§ 3501. Admissibility of confessions

“(a) In any criminal prosecution brought by the United States or by the District of Columbia, a confession, as defined in subsection (e) hereof, shall be admissible in evidence if it is voluntarily given. Before such confession is received in evidence, the trial judge shall, out of the presence of the jury, determine any issue as to voluntariness. If the trial judge determines that the confession was voluntarily made it shall be admitted in evidence and the trial judge shall permit the jury to hear relevant evidence on the issue of voluntariness and shall instruct the jury to give such weight to the confession as the jury feels it deserves under all the circumstances.

“(b) The trial judge in determining the issue of voluntariness shall take into consideration all the circumstances surrounding the giving of the confession, including (1) the time elapsing between arrest and arraignment of the defendant making the confession, if it was made after arrest and before arraignment, (2) whether such defendant knew the nature of the offense with which he was charged or of which he was suspected at the time of making the confession, (3) whether or not such defendant was advised or knew that he was not required to make any statement and that any such statement could be used against him, (4) whether or not such defendant had been advised prior to questioning of his right to the assistance of counsel; and (5) whether or not such defendant was without the assistance of counsel when questioned and when giving such confession.

“The presence or absence of any of the above-mentioned factors to be taken into consideration by the judge need not be conclusive on the issue of voluntariness of the confession.

“(c) In any criminal prosecution by the United States or by the District of Columbia, a confession made or given by a person who is a defendant therein, while such person was under arrest or other detention in the custody of any law-enforcement officer or law-enforcement agency, shall not be inadmissible solely because of delay in bringing such person before a commissioner or other officer empowered to commit persons charged with offenses against the laws of the United States or of the District of Columbia if such confession is found by the trial judge to have been made voluntarily and if the weight to be given the confession is left to the jury and if such confession was made or given by such person within six hours immediately following his arrest or other detention: *Provided*, That the time limitation contained in this subsection shall not apply in any case in which the delay in bringing such person before such commissioner or other officer beyond such six-hour period is found by the trial judge to be reasonable considering the means of transportation and the distance to be traveled to the nearest available such commissioner or other officer.

“(d) Nothing contained in this section shall bar the admission in evidence of any confession made or given voluntarily by any person to any other person without interrogation by anyone, or at any time at which the person who made or gave such confession was not under arrest or other detention.

“(e) As used in this section, the term ‘confession’ means any confession of guilt of any criminal offense or any self-incriminating statement made or given orally or in writing.

“Confession.”

“§ 3502. Admissibility in evidence of eye witness testimony

“The testimony of a witness that he saw the accused commit or participate in the commission of the crime for which the accused is being tried shall be admissible in evidence in a criminal prosecution in any trial court ordained and established under article III of the Constitution of the United States.”

(b) The section analysis of that chapter is amended by adding at the end thereof the following new items:

“3501. Admissibility of confessions.

“3502. Admissibility in evidence of eye witness testimony.”

**TITLE III—WIRETAPPING AND ELECTRONIC
SURVEILLANCE**

FINDINGS

SEC. 801. On the basis of its own investigations and of published studies, the Congress makes the following findings:

(a) Wire communications are normally conducted through the use of facilities which form part of an interstate network. The same facilities are used for interstate and intrastate communications. There has been extensive wiretapping carried on without legal sanctions, and without the consent of any of the parties to the conversation. Electronic, mechanical, and other intercepting devices are being used to overhear oral conversations made in private, without the consent of any of the parties to such communications. The contents of these communications and evidence derived therefrom are being used by public and private parties as evidence in court and administrative proceedings, and by persons whose activities affect interstate commerce. The possession, manufacture, distribution, advertising, and use of these devices are facilitated by interstate commerce.

(b) In order to protect effectively the privacy of wire and oral communications, to protect the integrity of court and administrative proceedings, and to prevent the obstruction of interstate commerce, it is necessary for Congress to define on a uniform basis the circumstances and conditions under which the interception of wire and oral communications may be authorized, to prohibit any unauthorized interception of such communications, and the use of the contents thereof in evidence in courts and administrative proceedings.

(c) Organized criminals make extensive use of wire and oral communications in their criminal activities. The interception of such communications to obtain evidence of the commission of crimes or to prevent their commission is an indispensable aid to law enforcement and the administration of justice.

(d) To safeguard the privacy of innocent persons, the interception of wire or oral communications where none of the parties to the communication has consented to the interception should be allowed only when authorized by a court of competent jurisdiction and should remain under the control and supervision of the authorizing court. Interception of wire and oral communications should further be limited to certain major types of offenses and specific categories of

crime with assurances that the interception is justified and that the information obtained thereby will not be misused.

62 Stat. 684.

SEC. 802. Part I of title 18, United States Code, is amended by adding at the end the following new chapter:

“Chapter 119. WIRE INTERCEPTION AND INTERCEPTION OF ORAL COMMUNICATIONS

“Sec.

“2510. Definitions.

“2511. Interception and disclosure of wire or oral communications prohibited.

“2512. Manufacture, distribution, possession, and advertising of wire or oral communication intercepting devices prohibited.

“2513. Confiscation of wire or oral communication intercepting devices.

“2514. Immunity of witnesses.

“2515. Prohibition of use as evidence of intercepted wire or oral communications.

“2516. Authorization for interception of wire or oral communications.

“2517. Authorization for disclosure and use of intercepted wire or oral communications.

“2518. Procedure for interception of wire or oral communications.

“2519. Reports concerning intercepted wire or oral communications.

“2520. Recovery of civil damages authorized.

“§ 2510. Definitions

“As used in this chapter—

“(1) ‘wire communication’ means any communication made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, or other like connection between the point of origin and the point of reception furnished or operated by any person engaged as a common carrier in providing or operating such facilities for the transmission of interstate or foreign communications;

“(2) ‘oral communication’ means any oral communication uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation;

“(3) ‘State’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States;

“(4) ‘intercept’ means the aural acquisition of the contents of any wire or oral communication through the use of any electronic, mechanical, or other device.

“(5) ‘electronic, mechanical, or other device’ means any device or apparatus which can be used to intercept a wire or oral communication other than—

“(a) any telephone or telegraph instrument, equipment or facility, or any component thereof, (i) furnished to the subscriber or user by a communications common carrier in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business; or (ii) being used by a communications common carrier in the ordinary course of its business, or by an investigative or law enforcement officer in the ordinary course of his duties;

“(b) a hearing aid or similar device being used to correct subnormal hearing to not better than normal;

“(6) ‘person’ means any employee, or agent of the United States or any State or political subdivision thereof, and any individual, partnership, association, joint stock company, trust, or corporation;

“(7) ‘Investigative or law enforcement officer’ means any officer of the United States or of a State or political subdivision thereof, who is empowered by law to conduct investigations of or to make arrests for offenses enumerated in this chapter, and any attorney

authorized by law to prosecute or participate in the prosecution of such offenses;

“(8) ‘contents’, when used with respect to any wire or oral communication, includes any information concerning the identity of the parties to such communication or the existence, substance, purport, or meaning of that communication;

“(9) ‘Judge of competent jurisdiction’ means—

“(a) a judge of a United States district court or a United States court of appeals; and

“(b) a judge of any court of general criminal jurisdiction of a State who is authorized by a statute of that State to enter orders authorizing interceptions of wire or oral communications;

“(10) ‘communication common carrier’ shall have the same meaning which is given the term ‘common carrier’ by section 153(h) of title 47 of the United States Code; and

“(11) ‘aggrieved person’ means a person who was a party to any intercepted wire or oral communication or a person against whom the interception was directed.

48 Stat. 1066.

“§ 2511. Interception and disclosure of wire or oral communications prohibited

“(1) Except as otherwise specifically provided in this chapter any person who—

“(a) willfully intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept, any wire or oral communication;

“(b) willfully uses, endeavors to use, or procures any other person to use or endeavor to use any electronic, mechanical, or other device to intercept any oral communication when—

“(i) such device is affixed to, or otherwise transmits a signal through, a wire, cable, or other like connection used in wire communication; or

“(ii) such device transmits communications by radio, or interferes with the transmission of such communication; or

“(iii) such person knows, or has reason to know, that such device or any component thereof has been sent through the mail or transported in interstate or foreign commerce; or

“(iv) such use or endeavor to use (A) takes place on the premises of any business or other commercial establishment the operations of which affect interstate or foreign commerce; or (B) obtains or is for the purpose of obtaining information relating to the operations of any business or other commercial establishment the operations of which affect interstate or foreign commerce; or

“(v) such person acts in the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States;”

“(c) willfully discloses, or endeavors to disclose, to any other person the contents of any wire or oral communication, knowing or having reason to know that the information was obtained through the interception of a wire or oral communication in violation of this subsection; or

“(d) willfully uses, or endeavors to use, the contents of any wire or oral communication, knowing or having reason to know that the information was obtained through the interception of a wire or oral communication in violation of this subsection;

shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

Penalty.

"(2) (a) It shall not be unlawful under this chapter for an operator of a switchboard, or an officer, employee, or agent of any communication common carrier, whose facilities are used in the transmission of a wire communication, to intercept, disclose, or use that communication in the normal course of his employment while engaged in any activity which is a necessary incident to the rendition of his service or to the protection of the rights or property of the carrier of such communication: *Provided*, That said communication common carriers shall not utilize service observing or random monitoring except for mechanical or service quality control checks.

48 Stat. 1064.

"(b) It shall not be unlawful under this chapter for an officer, employee, or agent of the Federal Communications Commission, in the normal course of his employment and in discharge of the monitoring responsibilities exercised by the Commission in the enforcement of chapter 5 of title 47 of the United States Code, to intercept a wire communication, or oral communication transmitted by radio, or to disclose or use the information thereby obtained.

"(c) It shall not be unlawful under this chapter for a person acting under color of law to intercept a wire or oral communication, where such person is a party to the communication or one of the parties to the communication has given prior consent to such interception.

"(d) It shall not be unlawful under this chapter for a person not acting under color of law to intercept a wire or oral communication where such person is a party to the communication or where one of the parties to the communication has given prior consent to such interception unless such communication is intercepted for the purpose of committing any criminal or tortious act in violation of the Constitution or laws of the United States or of any State or for the purpose of committing any other injurious act.

Post, p. 223.

"(3) Nothing contained in this chapter or in section 605 of the Communications Act of 1934 (48 Stat. 1143; 47 U.S.C. 605) shall limit the constitutional power of the President to take such measures as he deems necessary to protect the Nation against actual or potential attack or other hostile acts of a foreign power, to obtain foreign intelligence information deemed essential to the security of the United States, or to protect national security information against foreign intelligence activities. Nor shall anything contained in this chapter be deemed to limit the constitutional power of the President to take such measures as he deems necessary to protect the United States against the overthrow of the Government by force or other unlawful means, or against any other clear and present danger to the structure or existence of the Government. The contents of any wire or oral communication intercepted by authority of the President in the exercise of the foregoing powers may be received in evidence in any trial hearing, or other proceeding only where such interception was reasonable, and shall not be otherwise used or disclosed except as is necessary to implement that power.

"§ 2512. Manufacture, distribution, possession, and advertising of wire or oral communication intercepting devices prohibited

"(1) Except as otherwise specifically provided in this chapter, any person who willfully—

"(a) sends through the mail, or sends or carries in interstate or foreign commerce, any electronic, mechanical, or other device, knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of wire or oral communications;

“(b) manufactures, assembles, possesses, or sells any electronic, mechanical, or other device, knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of wire or oral communications, and that such device or any component thereof has been or will be sent through the mail or transported in interstate or foreign commerce; or

“(c) places in any newspaper, magazine, handbill, or other publication any advertisement of—

“(i) any electronic, mechanical, or other device knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of wire or oral communications; or

“(ii) any other electronic, mechanical, or other device, where such advertisement promotes the use of such device for the purpose of the surreptitious interception of wire or oral communications,

knowing or having reason to know that such advertisement will be sent through the mail or transported in interstate or foreign commerce,

shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

Penalty.

“(2) It shall not be unlawful under this section for—

“(a) a communications common carrier or an officer, agent, or employee of, or a person under contract with, a communications common carrier, in the normal course of the communications common carrier's business, or

“(b) an officer, agent, or employee of, or a person under contract with, the United States, a State, or a political subdivision thereof, in the normal course of the activities of the United States, a State, or a political subdivision thereof, to send through the mail, send or carry in interstate or foreign commerce, or manufacture, assemble, possess, or sell any electronic, mechanical, or other device knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of wire or oral communications.

“§ 2513. Confiscation of wire or oral communication intercepting devices

“Any electronic, mechanical, or other device used, sent, carried, manufactured, assembled, possessed, sold, or advertised in violation of section 2511 or section 2512 of this chapter may be seized and forfeited to the United States. All provisions of law relating to (1) the seizure, summary and judicial forfeiture, and condemnation of vessels, vehicles, merchandise, and baggage for violations of the customs laws contained in title 19 of the United States Code, (2) the disposition of such vessels, vehicles, merchandise, and baggage or the proceeds from the sale thereof, (3) the remission or mitigation of such forfeiture, (4) the compromise of claims, and (5) the award of compensation to informers in respect of such forfeitures, shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as applicable and not inconsistent with the provisions of this section; except that such duties as are imposed upon the collector of customs or any other person with respect to the seizure and forfeiture of vessels, vehicles, merchandise, and baggage under the provisions of the customs laws contained in title 19 of the United States Code shall be performed with respect to seizure and forfeiture of electronic, mechanical, or other intercepting devices

under this section by such officers, agents, or other persons as may be authorized or designated for that purpose by the Attorney General.

“§ 2514. Immunity of witnesses

“Whenever in the judgment of a United States attorney the testimony of any witness, or the production of books, papers, or other evidence by any witness, in any case or proceeding before any grand jury or court of the United States involving any violation of this chapter or any of the offenses enumerated in section 2516, or any conspiracy to violate this chapter or any of the offenses enumerated in section 2516 is necessary to the public interest, such United States attorney, upon the approval of the Attorney General, shall make application to the court that the witness shall be instructed to testify or produce evidence subject to the provisions of this section, and upon order of the court such witness shall not be excused from testifying or from producing books, papers, or other evidence on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture. No such witness shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, nor shall testimony so compelled be used as evidence in any criminal proceeding (except in a proceeding described in the next sentence) against him in any court. No witness shall be exempt under this section from prosecution for perjury or contempt committed while giving testimony or producing evidence under compulsion as provided in this section.

“§ 2515. Prohibition of use as evidence of intercepted wire or oral communications

“Whenever any wire or oral communication has been intercepted, no part of the contents of such communication and no evidence derived therefrom may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of the United States, a State, or a political subdivision thereof if the disclosure of that information would be in violation of this chapter.

“§ 2516. Authorization for interception of wire or oral communications

“(1) The Attorney General, or any Assistant Attorney General specially designated by the Attorney General, may authorize an application to a Federal judge of competent jurisdiction for, and such judge may grant in conformity with section 2518 of this chapter an order authorizing or approving the interception of wire or oral communications by the Federal Bureau of Investigation, or a Federal agency having responsibility for the investigation of the offense as to which the application is made, when such interception may provide or has provided evidence of—

“(a) any offense punishable by death or by imprisonment for more than one year under sections 2274 through 2277 of title 42 of the United States Code (relating to the enforcement of the Atomic Energy Act of 1954), or under the following chapters of this title: chapter 37 (relating to espionage), chapter 105 (relating to sabotage), chapter 115 (relating to treason), or chapter 102 (relating to riots);

“(b) a violation of section 186 or section 501(c) of title 29, United States Code (dealing with restrictions on payments and loans to labor organizations), or any offense which involves mur-

68 Stat. 958.

62 Stat. 736;

68 Stat. 1216;

62 Stat. 807;

Ante, p. 75.

61 Stat. 157;

73 Stat. 535, 537.

der, kidnapping, robbery, or extortion, and which is punishable under this title;

“(c) any offense which is punishable under the following sections of this title: section 201 (bribery of public officials and witnesses), section 224 (bribery in sporting contests), section 1084 (transmission of wagering information), section 1503 (influencing or injuring an officer, juror, or witness generally), section 1510 (obstruction of criminal investigations), section 1751 (Presidential assassinations, kidnapping, and assault), section 1951 (interference with commerce by threats or violence), section 1952 (interstate and foreign travel or transportation in aid of racketeering enterprises), section 1954 (offer, acceptance, or solicitation to influence operations of employee benefit plan), section 659 (theft from interstate shipment), section 664 (embezzlement from pension and welfare funds), or sections 2314 and 2315 (interstate transportation of stolen property);

“(d) any offense involving counterfeiting punishable under section 471, 472, or 473 of this title;

“(e) any offense involving bankruptcy fraud or the manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in narcotic drugs, marihuana, or other dangerous drugs, punishable under any law of the United States;

“(f) any offense including extortionate credit transactions under sections 892, 893, or 894 of this title; or

“(g) any conspiracy to commit any of the foregoing offenses.

“(2) The principal prosecuting attorney of any State, or the principal prosecuting attorney of any political subdivision thereof, if such attorney is authorized by a statute of that State to make application to a State court judge of competent jurisdiction for an order authorizing or approving the interception of wire or oral communications, may apply to such judge for, and such judge may grant in conformity with section 2518 of this chapter and with the applicable State statute an order authorizing, or approving the interception of wire or oral communications by investigative or law enforcement officers having responsibility for the investigation of the offense as to which the application is made, when such interception may provide or has provided evidence of the commission of the offense of murder, kidnapping, gambling, robbery, bribery, extortion, or dealing in narcotic drugs, marihuana or other dangerous drugs, or other crime dangerous to life, limb, or property, and punishable by imprisonment for more than one year, designated in any applicable State statute authorizing such interception, or any conspiracy to commit any of the foregoing offenses.

“§ 2517. Authorization for disclosure and use of intercepted wire or oral communications

“(1) Any investigative or law enforcement officer who, by any means authorized by this chapter, has obtained knowledge of the contents of any wire or oral communication, or evidence derived therefrom, may disclose such contents to another investigative or law enforcement officer to the extent that such disclosure is appropriate to the proper performance of the official duties of the officer making or receiving the disclosure.

“(2) Any investigative or law enforcement officer who, by any means authorized by this chapter, has obtained knowledge of the contents of any wire or oral communication or evidence derived therefrom may use such contents to the extent such use is appropriate to the proper performance of his official duties.

“(3) Any person who has received, by any means authorized by this chapter, any information concerning a wire or oral communica-

76 Stat. 1119;
78 Stat. 203;
62 Stat. 769;
81 Stat. 362;
79 Stat. 580;
62 Stat. 793;
75 Stat. 498;
76 Stat. 421;
62 Stat. 729;
76 Stat. 411;
62 Stat. 806.

62 Stat. 705.

Ante, p. 159.

tion, or evidence derived therefrom intercepted in accordance with the provisions of this chapter may disclose the contents of that communication or such derivative evidence while giving testimony under oath or affirmation in any criminal proceeding in any court of the United States or of any State or in any Federal or State grand jury proceeding.

“(4) No otherwise privileged wire or oral communication intercepted in accordance with, or in violation of, the provisions of this chapter shall lose its privileged character.

“(5) When an investigative or law enforcement officer, while engaged in intercepting wire or oral communications in the manner authorized herein, intercepts wire or oral communications relating to offenses other than those specified in the order of authorization or approval, the contents thereof, and evidence derived therefrom, may be disclosed or used as provided in subsections (1) and (2) of this section. Such contents and any evidence derived therefrom may be used under subsection (3) of this section when authorized or approved by a judge of competent jurisdiction where such judge finds on subsequent application that the contents were otherwise intercepted in accordance with the provisions of this chapter. Such application shall be made as soon as practicable.

“§ 2518. Procedure for interception of wire or oral communications

“(1) Each application for an order authorizing or approving the interception of a wire or oral communication shall be made in writing upon oath or affirmation to a judge of competent jurisdiction and shall state the applicant's authority to make such application. Each application shall include the following information:

“(a) the identity of the investigative or law enforcement officer making the application, and the officer authorizing the application;

“(b) a full and complete statement of the facts and circumstances relied upon by the applicant, to justify his belief that an order should be issued, including (i) details as to the particular offense that has been, is being, or is about to be committed, (ii) a particular description of the nature and location of the facilities from which or the place where the communication is to be intercepted, (iii) a particular description of the type of communications sought to be intercepted, (iv) the identity of the person, if known, committing the offense and whose communications are to be intercepted;

“(c) a full and complete statement as to whether or not other investigative procedures have been tried and failed or why they reasonably appear to be unlikely to succeed if tried or to be too dangerous;

“(d) a statement of the period of time for which the interception is required to be maintained. If the nature of the investigation is such that the authorization for interception should not automatically terminate when the described type of communication has been first obtained, a particular description of facts establishing probable cause to believe that additional communications of the same type will occur thereafter;

“(e) a full and complete statement of the facts concerning all previous applications known to the individual authorizing and making the application, made to any judge for authorization to intercept, or for approval of interceptions of, wire or oral communications involving any of the same persons, facilities or

places specified in the application, and the action taken by the judge on each such application; and

“(f) where the application is for the extension of an order, a statement setting forth the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain such results.

“(2) The judge may require the applicant to furnish additional testimony or documentary evidence in support of the application.

“(3) Upon such application the judge may enter an ex parte order, as requested or as modified, authorizing or approving interception of wire or oral communications within the territorial jurisdiction of the court in which the judge is sitting, if the judge determines on the basis of the facts submitted by the applicant that—

“(a) there is probable cause for belief that an individual is committing, has committed, or is about to commit a particular offense enumerated in section 2516 of this chapter;

“(b) there is probable cause for belief that particular communications concerning that offense will be obtained through such interception;

“(c) normal investigative procedures have been tried and have failed or reasonably appear to be unlikely to succeed if tried or to be too dangerous;

“(d) there is probable cause for belief that the facilities from which, or the place where, the wire or oral communications are to be intercepted are being used, or are about to be used, in connection with the commission of such offense, or are leased to, listed in the name of, or commonly used by such person.

“(4) Each order authorizing or approving the interception of any wire or oral communication shall specify—

“(a) the identity of the person, if known, whose communications are to be intercepted;

“(b) the nature and location of the communications facilities as to which, or the place where, authority to intercept is granted;

“(c) a particular description of the type of communication sought to be intercepted, and a statement of the particular offense to which it relates;

“(d) the identity of the agency authorized to intercept the communications, and of the person authorizing the application; and

“(e) the period of time during which such interception is authorized, including a statement as to whether or not the interception shall automatically terminate when the described communication has been first obtained.

“(5) No order entered under this section may authorize or approve the interception of any wire or oral communication for any period longer than is necessary to achieve the objective of the authorization, nor in any event longer than thirty days. Extensions of an order may be granted, but only upon application for an extension made in accordance with subsection (1) of this section and the court making the findings required by subsection (3) of this section. The period of extension shall be no longer than the authorizing judge deems necessary to achieve the purposes for which it was granted and in no event for longer than thirty days. Every order and extension thereof shall contain a provision that the authorization to intercept shall be executed as soon as practicable, shall be conducted in such a way as to minimize the interception of communications not otherwise subject to interception under this chapter, and must terminate upon attainment of the authorized objective, or in any event in thirty days.

“(6) Whenever an order authorizing interception is entered pursuant to this chapter, the order may require reports to be made to the judge who issued the order showing what progress has been made toward achievement of the authorized objective and the need for continued interception. Such reports shall be made at such intervals as the judge may require.

“(7) Notwithstanding any other provision of this chapter, any investigative or law enforcement officer, specially designated by the Attorney General or by the principal prosecuting attorney of any State or subdivision thereof acting pursuant to a statute of that State, who reasonably determines that—

“(a) an emergency situation exists with respect to conspiratorial activities threatening the national security interest or to conspiratorial activities characteristic of organized crime that requires a wire or oral communication to be intercepted before an order authorizing such interception can with due diligence be obtained, and

“(b) there are grounds upon which an order could be entered under this chapter to authorize such interception, may intercept such wire or oral communication if an application for an order approving the interception is made in accordance with this section within forty-eight hours after the interception has occurred, or begins to occur. In the absence of an order, such interception shall immediately terminate when the communication sought is obtained or when the application for the order is denied, whichever is earlier. In the event such application for approval is denied, or in any other case where the interception is terminated without an order having been issued, the contents of any wire or oral communication intercepted shall be treated as having been obtained in violation of this chapter, and an inventory shall be served as provided for in subsection (d) of this section on the person named in the application.

“(8) (a) The contents of any wire or oral communication intercepted by any means authorized by this chapter shall, if possible, be recorded on tape or wire or other comparable device. The recording of the contents of any wire or oral communication under this subsection shall be done in such way as will protect the recording from editing or other alterations. Immediately upon the expiration of the period of the order, or extensions thereof, such recordings shall be made available to the judge issuing such order and sealed under his directions. Custody of the recordings shall be wherever the judge orders. They shall not be destroyed except upon an order of the issuing or denying judge and in any event shall be kept for ten years. Duplicate recordings may be made for use or disclosure pursuant to the provisions of subsections (1) and (2) of section 2517 of this chapter for investigations. The presence of the seal provided for by this subsection, or a satisfactory explanation for the absence thereof, shall be a prerequisite for the use or disclosure of the contents of any wire or oral communication or evidence derived therefrom under subsection (3) of section 2517.

“(b) Applications made and orders granted under this chapter shall be sealed by the judge. Custody of the applications and orders shall be wherever the judge directs. Such applications and orders shall be disclosed only upon a showing of good cause before a judge of competent jurisdiction and shall not be destroyed except on order of the issuing or denying judge, and in any event shall be kept for ten years.

“(c) Any violation of the provisions of this subsection may be punished as contempt of the issuing or denying judge.

“(d) Within a reasonable time but not later than ninety days after the filing of an application for an order of approval under section

2518(7)(b) which is denied or the termination of the period of an order or extensions thereof, the issuing or denying judge shall cause to be served, on the persons named in the order or the application, and such other parties to intercepted communications as the judge may determine in his discretion that is in the interest of justice, an inventory which shall include notice of—

- “(1) the fact of the entry of the order or the application;
- “(2) the date of the entry and the period of authorized, approved or disapproved interception, or the denial of the application; and
- “(3) the fact that during the period wire or oral communications were or were not intercepted.

The judge, upon the filing of a motion, may in his discretion make available to such person or his counsel for inspection such portions of the intercepted communications, applications and orders as the judge determines to be in the interest of justice. On an ex parte showing of good cause to a judge of competent jurisdiction the serving of the inventory required by this subsection may be postponed.

“(9) The contents of any intercepted wire or oral communication or evidence derived therefrom shall not be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in a Federal or State court unless each party, not less than ten days before the trial, hearing, or proceeding, has been furnished with a copy of the court order, and accompanying application, under which the interception was authorized or approved. This ten-day period may be waived by the judge if he finds that it was not possible to furnish the party with the above information ten days before the trial, hearing, or proceeding and that the party will not be prejudiced by the delay in receiving such information.

“(10) (a) Any aggrieved person in any trial, hearing, or proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States, a State, or a political subdivision thereof, may move to suppress the contents of any intercepted wire or oral communication, or evidence derived therefrom, on the grounds that—

- “(i) the communication was unlawfully intercepted;
- “(ii) the order of authorization or approval under which it was intercepted is insufficient on its face; or
- “(iii) the interception was not made in conformity with the order of authorization or approval.

Such motion shall be made before the trial, hearing, or proceeding unless there was no opportunity to make such motion or the person was not aware of the grounds of the motion. If the motion is granted, the contents of the intercepted wire or oral communication, or evidence derived therefrom, shall be treated as having been obtained in violation of this chapter. The judge, upon the filing of such motion by the aggrieved person, may in his discretion make available to the aggrieved person or his counsel for inspection such portions of the intercepted communication or evidence derived therefrom as the judge determines to be in the interests of justice.

“(b) In addition to any other right to appeal, the United States shall have the right to appeal from an order granting a motion to suppress made under paragraph (a) of this subsection, or the denial of an application for an order of approval, if the United States attorney shall certify to the judge or other official granting such motion or denying such application that the appeal is not taken for purposes of delay. Such appeal shall be taken within thirty days after the date the order was entered and shall be diligently prosecuted.

“§ 2519. Reports concerning intercepted wire or oral communications

“(1) Within thirty days after the expiration of an order (or each extension thereof) entered under section 2518, or the denial of an order approving an interception, the issuing or denying judge shall report to the Administrative Office of the United States Courts—

“(a) the fact that an order or extension was applied for;

“(b) the kind of order or extension applied for;

“(c) the fact that the order or extension was granted as applied for, was modified, or was denied;

“(d) the period of interceptions authorized by the order, and the number and duration of any extensions of the order;

“(e) the offense specified in the order or application, or extension of an order;

“(f) the identity of the applying investigative or law enforcement officer and agency making the application and the person authorizing the application; and

“(g) the nature of the facilities from which or the place where communications were to be intercepted.

“(2) In January of each year the Attorney General, an Assistant Attorney General specially designated by the Attorney General, or the principal prosecuting attorney of a State, or the principal prosecuting attorney for any political subdivision of a State, shall report to the Administrative Office of the United States Courts—

“(a) the information required by paragraphs (a) through (g) of subsection (1) of this section with respect to each application for an order or extension made during the preceding calendar year;

“(b) a general description of the interceptions made under such order or extension, including (i) the approximate nature and frequency of incriminating communications intercepted, (ii) the approximate nature and frequency of other communications intercepted, (iii) the approximate number of persons whose communications were intercepted, and (iv) the approximate nature, amount, and cost of the manpower and other resources used in the interceptions;

“(c) the number of arrests resulting from interceptions made under such order or extension, and the offenses for which arrests were made;

“(d) the number of trials resulting from such interceptions;

“(e) the number of motions to suppress made with respect to such interceptions, and the number granted or denied;

“(f) the number of convictions resulting from such interceptions and the offenses for which the convictions were obtained and a general assessment of the importance of the interceptions; and

“(g) the information required by paragraphs (b) through (f) of this subsection with respect to orders or extensions obtained in a preceding calendar year.

“(3) In April of each year the Director of the Administrative Office of the United States Courts shall transmit to the Congress a full and complete report concerning the number of applications for orders authorizing or approving the interception of wire or oral communications and the number of orders and extensions granted or denied during the preceding calendar year. Such report shall include a summary and analysis of the data required to be filed with the Administrative Office by subsections (1) and (2) of this section. The Director of the Administrative Office of the United States Courts is authorized to

issue binding regulations dealing with the content and form of the reports required to be filed by subsections (1) and (2) of this section.

“§ 2520. Recovery of civil damages authorized

“Any person whose wire or oral communication is intercepted, disclosed, or used in violation of this chapter shall (1) have a civil cause of action against any person who intercepts, discloses, or uses, or procures any other person to intercept, disclose, or use such communications, and (2) be entitled to recover from any such person—

“(a) actual damages but not less than liquidated damages computed at the rate of \$100 a day for each day of violation or \$1,000, whichever is higher;

“(b) punitive damages; and

“(c) a reasonable attorney’s fee and other litigation costs reasonably incurred.

A good faith reliance on a court order or on the provisions of section 2518(7) of this chapter shall constitute a complete defense to any civil or criminal action brought under this chapter.”

SEC. 803. Section 605 of the Communications Act of 1934 (48 Stat. 1103; 47 U.S.C. 605) is amended to read as follows:

“UNAUTHORIZED PUBLICATION OF COMMUNICATIONS

“SEC. 605. Except as authorized by chapter 119, title 18, United States Code, no person receiving, assisting in receiving, transmitting, or assisting in transmitting, any interstate or foreign communication by wire or radio shall divulge or publish the existence, contents, substance, purport, effect, or meaning thereof, except through authorized channels of transmission or reception, (1) to any person other than the addressee, his agent, or attorney, (2) to a person employed or authorized to forward such communication to its destination, (3) to proper accounting or distributing officers of the various communicating centers over which the communication may be passed, (4) to the master of a ship under whom he is serving, (5) in response to a subpoena issued by a court of competent jurisdiction, or (6) on demand of other lawful authority. No person not being authorized by the sender shall intercept any radio communication and divulge or publish the existence, contents, substance, purport, effect, or meaning of such intercepted communication to any person. No person not being entitled thereto shall receive or assist in receiving any interstate or foreign communication by radio and use such communication (or any information therein contained) for his own benefit or for the benefit of another not entitled thereto. No person having received any intercepted radio communication or having become acquainted with the contents, substance, purport, effect, or meaning of such communication (or any part thereof) knowing that such communication was intercepted, shall divulge or publish the existence, contents, substance, purport, effect, or meaning of such communication (or any part thereof) or use such communication (or any information therein contained) for his own benefit or for the benefit of another not entitled thereto. This section shall not apply to the receiving, divulging, publishing, or utilizing the contents of any radio communication which is broadcast or transmitted by amateurs or others for the use of the general public, or which relates to ships in distress.”

SEC. 804. (a) There is hereby established a National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance (hereinafter in this section referred to as the “Commission”).

Ante, p. 212.

Wiretapping
laws, review
commission.
Establishment.

Membership.

(b) The Commission shall be composed of fifteen members appointed as follows:

(A) Four appointed by the President of the Senate from Members of the Senate;

(B) Four appointed by the Speaker of the House of Representatives from Members of the House of Representatives; and

(C) Seven appointed by the President of the United States from all segments of life in the United States, including lawyers, teachers, artists, businessmen, newspapermen, jurists, policemen, and community leaders, none of whom shall be officers of the executive branch of the Government.

(c) The President of the United States shall designate a Chairman from among the members of the Commission. Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

Function.

(d) It shall be the duty of the Commission to conduct a comprehensive study and review of the operation of the provisions of this title, in effect on the effective date of this section, to determine the effectiveness of such provisions during the six-year period immediately following the date of their enactment.

Personnel.

(e) (1) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

80 Stat. 378.

(A) appoint and fix the compensation of an Executive Director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title; and

5 USC 5101,
5331.

(B) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed \$100 a day for individuals.

80 Stat. 416.

(2) In making appointments pursuant to paragraph (1) of this subsection, the Chairman shall include among his appointment individuals determined by the Chairman to be competent social scientists, lawyers, and law enforcement officers.

Compensation.

(f) (1) A member of the Commission who is a Member of Congress shall serve without additional compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission.

(2) A member of the Commission from private life shall receive \$100 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

**Cooperation of
Federal and State
agencies.**

(g) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman, such statistical data, reports, and other information as the Commission deems necessary to carry out its functions under this section. The Chairman is further authorized to call upon the departments, agencies, and other offices of the several States to furnish such statistical data, reports, and other information as the Commission deems necessary to carry out its functions under this section.

**Report to Pres-
ident and Con-
gress.**

(h) The Commission shall make such interim reports as it deems advisable, and it shall make a final report of its findings and recommendations to the President of the United States and to the Congress within the one-year period following the effective date of this sub-

section. Sixty days after submission of its final report, the Commission shall cease to exist.

Termination.

(i) (1) Except as provided in paragraph (2) of this subsection, any member of the Commission is exempted, with respect to his appointment, from the operation of sections 203, 205, 207, and 209 of title 18, United States Code.

Conflict of interest.

76 Stat. 1121.

(2) The exemption granted by paragraph (1) of this subsection shall not extend—

(A) to the receipt of payment of salary in connection with the appointee's Government service from any source other than the private employer of the appointee at the time of his appointment, or

(B) during the period of such appointment, to the prosecution, by any person so appointed, of any claim against the Government involving any matter with which such person, during such period, is or was directly connected by reason of such appointment.

(j) There is authorized to be appropriated such sum as may be necessary to carry out the provisions of this section.

Effective date.

(k) The foregoing provisions of this section shall take effect upon the expiration of the six-year period immediately following the date of the enactment of this Act.

TITLE IV—STATE FIREARMS CONTROL ASSISTANCE

FINDINGS AND DECLARATION

SEC. 901. (a) The Congress hereby finds and declares—

(1) that there is a widespread traffic in firearms moving in or otherwise affecting interstate or foreign commerce, and that the existing Federal controls over such traffic do not adequately enable the States to control this traffic within their own borders through the exercise of their police power;

(2) that the ease with which any person can acquire firearms other than a rifle or shotgun (including criminals, juveniles without the knowledge or consent of their parents or guardians, narcotics addicts, mental defectives, armed groups who would supplant the functions of duly constituted public authorities, and others whose possession of such weapons is similarly contrary to the public interest) is a significant factor in the prevalence of lawlessness and violent crime in the United States;

(3) that only through adequate Federal control over interstate and foreign commerce in these weapons, and over all persons engaging in the businesses of importing, manufacturing, or dealing in them, can this grave problem be properly dealt with, and effective State and local regulation of this traffic be made possible;

(4) that the acquisition on a mail-order basis of firearms other than a rifle or shotgun by nonlicensed individuals, from a place other than their State of residence, has materially tended to thwart the effectiveness of State laws and regulations, and local ordinances;

(5) that the sale or other disposition of concealable weapons by importers, manufacturers, and dealers holding Federal licenses, to nonresidents of the State in which the licensees' places of business are located, has tended to make ineffective the laws, regulations, and ordinances in the several States and local jurisdictions regarding such firearms;

(6) that there is a causal relationship between the easy availability of firearms other than a rifle or shotgun and juvenile and

youthful criminal behavior, and that such firearms have been widely sold by federally licensed importers and dealers to emotionally immature, or thrill-bent juveniles and minors prone to criminal behavior;

(7) that the United States has become the dumping ground of the castoff surplus military weapons of other nations, and that such weapons, and the large volume of relatively inexpensive pistols and revolvers (largely worthless for sporting purposes), imported into the United States in recent years, has contributed greatly to lawlessness and to the Nation's law enforcement problems;

(8) that the lack of adequate Federal control over interstate and foreign commerce in highly destructive weapons (such as bazookas, mortars, antitank guns, and so forth, and destructive devices such as explosive or incendiary grenades, bombs, missiles, and so forth) has allowed such weapons and devices to fall into the hands of lawless persons, including armed groups who would supplant lawful authority, thus creating a problem of national concern;

(9) that the existing licensing system under the Federal Firearms Act does not provide adequate license fees or proper standards for the granting or denial of licenses, and that this has led to licenses being issued to persons not reasonably entitled thereto, thus distorting the purposes of the licensing system.

(b) The Congress further hereby declares that the purpose of this title is to cope with the conditions referred to in the foregoing subsection, and that it is not the purpose of this title to place any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms appropriate to the purpose of hunting, trap shooting, target shooting, personal protection, or any other lawful activity, and that this title is not intended to discourage or eliminate the private ownership or use of firearms by law-abiding citizens for lawful purposes, or provide for the imposition by Federal regulations of any procedures or requirements other than those reasonably necessary to implement and effectuate the provisions of this title.

SEC. 902. Title 18, United States Code, is amended by inserting after section 917 thereof the following new chapter:

Chapter 44.—FIREARMS

"Sec.

"921. Definitions.

"922. Unlawful acts.

"923. Licensing.

"924. Penalties.

"925. Exceptions: Relief from disabilities.

"926. Rules and regulations.

"927. Effect on State law.

"928. Separability clause.

"§ 921. Definitions

"(a) As used in this chapter—

"(1) The term 'person' and the term 'whoever' includes any individual, corporation, company, association, firm, partnership, society, or joint stock company.

"(2) The term 'interstate or foreign commerce' includes commerce between any State or possession (not including the Canal Zone) and any place outside thereof; or between points within the same State or possession (not including the Canal Zone), but through any place outside thereof; or within any possession or the District of Columbia.

52 Stat. 1250.
15 USC 909.

62 Stat. 743.

Post, p. 1214.

The term 'State' shall include the Commonwealth of Puerto Rico, the Virgin Islands, and the District of Columbia.

"(3) The term 'firearm' means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; or any firearm muffler or firearm silencer; or any destructive device.

"(4) The term 'destructive device' means any explosive, incendiary, or poison gas bomb, grenade, mine, rocket, missile, or similar device; and includes any type of weapon which will or is designed to or may readily be converted to expel a projectile by the action of any explosive and having any barrel with a bore of one-half inch or more in diameter.

"(5) The term 'shotgun' means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

"(6) The term 'short-barreled shotgun' means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than twenty-six inches.

"(7) The term 'rifle' means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

"(8) The term 'short-barreled rifle' means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than twenty-six inches.

"(9) The term 'importer' means any person engaged in the business of importing or bringing firearms or ammunition into the United States for purposes of sale or distribution; and the term 'licensed importer' means any such person licensed under the provisions of this chapter.

"(10) The term 'manufacturer' means any person engaged in the manufacture of firearms or ammunition for purposes of sale or distribution; and the term 'licensed manufacturer' means any such person licensed under the provisions of this chapter.

"(11) The term 'dealer' means (A) any person engaged in the business of selling firearms or ammunition at wholesale or retail, (B) any person engaged in the business of repairing such firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms or (C) any person who is a pawnbroker. The term 'licensed dealer' means any dealer who is licensed under the provisions of this chapter.

"(12) The term 'pawnbroker' means any person whose business or occupation includes the taking or receiving, by way of pledge or pawn, of any firearm or ammunition as security for the payment or repayment of money.

"(13) The term 'indictment' includes an indictment or an information in any court under which a crime punishable by imprisonment for a term exceeding one year may be prosecuted.

"(14) The term 'fugitive from justice' means any person who has fled from any State or possession to avoid prosecution for a crime

punishable by imprisonment for a term exceeding one year or to avoid giving testimony in any criminal proceeding.

"(15) The term 'antique firearm' means any firearm manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar early type of ignition system) or replica thereof, whether actually manufactured before or after the year 1898; and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States; and is not readily available in the ordinary channels of commercial trade.

"(16) The term 'ammunition' means ammunition for a destructive device; it shall not include shotgun shells or any other ammunition designed for use in a firearm other than a destructive device.

"(17) The term 'Secretary' or 'Secretary of the Treasury' means the Secretary of the Treasury or his delegate.

"(18) The term 'published ordinance' means a published law of any political subdivision of a State which the Secretary of the Treasury determines to be relevant to the enforcement of this chapter and which is contained on a list compiled by the Secretary of the Treasury which list shall be published in the Federal Register, revised annually, and furnished to each licensee under this chapter.

Publication in
Federal Register.

"(b) As used in this chapter—

"(1) The term 'firearm' shall not include an antique firearm.

"(2) The term 'destructive device' shall not include—

"(A) a device which is not designed or redesigned or used or intended for use as a weapon; or

"(B) any device, although originally designed as a weapon, which is redesigned so that it may be used solely as a signaling, linethrowing, safety or similar device; or

"(C) any shotgun other than a short-barreled shotgun; or

"(D) any nonautomatic rifle (other than a short-barreled rifle) generally recognized or particularly suitable for use for the hunting of big game; or

"(E) surplus obsolete ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of sections 4684(2), 4685, or 4686 of title 10, United States Code; or

"(F) any other device which the Secretary finds is not likely to be used as a weapon.

"(3) The term 'crime punishable by imprisonment for a term exceeding one year' shall not include any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices as the Secretary may by regulation designate.

"§ 922. Unlawful acts

"(a) It shall be unlawful—

"(1) for any person, except a licensed importer, licensed manufacturer, or licensed dealer, to engage in the business of importing, manufacturing, or dealing in firearms, or ammunition, or in the course of such business to ship, transport, or receive any firearm or ammunition in interstate or foreign commerce.

"(2) for any importer, manufacturer, or dealer licensed under the provisions of this chapter to ship or transport in interstate or foreign commerce, any firearm other than a rifle or shotgun, or ammunition to any person other than a licensed importer, licensed manufacturer, or licensed dealer, except that—

"(A) this paragraph shall not be held to preclude a licensed importer, licensed manufacturer, or licensed dealer

from returning a firearm or replacement firearm of the same kind and type to a person from whom it was received;

“(B) this paragraph shall not be held to preclude a licensed importer, licensed manufacturer, or licensed dealer from depositing a firearm for conveyance in the mails to any officer, employee, agent, or watchman who, pursuant to the provisions of section 1715 of title 18 of the United States Code, is eligible to receive through the mails pistols, revolvers, and other firearms capable of being concealed on the person, for use in connection with his official duty;

62 Stat. 781;
63 Stat. 95.

“(C) nothing in this paragraph shall be construed as applying in any manner in the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States differently than it would apply if the District of Columbia, the Commonwealth of Puerto Rico, or the possession were in fact a State of the United States.

“(3) for any person other than a licensed importer, licensed manufacturer, or licensed dealer to transport into or receive in the State where he resides (or if the person is a corporation or other business entity, in which he maintains a place of business)—

“(A) any firearm, other than a shotgun or rifle, purchased or otherwise obtained by him outside that State;

“(B) any firearm, purchased or otherwise obtained by him outside that State, which it would be unlawful for him to purchase or possess in the State or political subdivision thereof wherein he resides (or if the person is a corporation or other business entity, in which he maintains a place of business).

“(4) for any person, other than a licensed importer, licensed manufacturer, or licensed dealer, to transport in interstate or foreign commerce any destructive device, machinegun (as defined in section 5848 of the Internal Revenue Code of 1954), short-barreled shotgun, or short-barreled rifle, except as specifically authorized by the Secretary.

68A Stat. 726.
26 USC 5848.

“(5) for any person to transfer, sell, trade, give, transport, or deliver to any person (other than a licensed importer, licensed manufacturer, or licensed dealer) who resides in any State other than that in which the transferor resides (or in which his place of business is located if the transferor is a corporation or other business entity)—

“(A) any firearm, other than a shotgun or rifle;

“(B) any firearm which the transferee could not lawfully purchase or possess in accord with applicable laws, regulations or ordinances of the State or political subdivision thereof in which the transferee resides (or in which his place of business is located if the transferee is a corporation or other business entity).

“This paragraph shall not apply to transactions between licensed importers, licensed manufacturers, and licensed dealers.

“(6) for any person in connection with the acquisition or attempted acquisition of any firearm from a licensed importer, licensed manufacturer, or licensed dealer, knowingly to make any false or fictitious oral or written statement or to furnish or exhibit any false or fictitious or misrepresented identification, intended or likely to deceive such importer, manufacturer, or dealer with respect to any fact material to the lawfulness of the sale or other disposition of such firearm under the provisions of this chapter.

“(b) It shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell or deliver—

“(1) any firearm to any individual who the licensee knows or has reasonable cause to believe is less than twenty-one years of age, if the firearm is other than a shotgun or rifle.

“(2) any firearm to any person in any State where the purchase or possession by such person of such firearm would be in violation of any State law or any published ordinance applicable at the place of sale, delivery or other disposition, or in the locality in which such person resides unless the licensee knows or has reasonable cause to believe that the purchase or possession would not be in violation of such State law or such ordinance.

“(3) any firearm to any person who the licensee knows or has reasonable cause to believe does not reside in (or if the person is a corporation or other business entity, does not maintain a place of business in) the State in which the licensee's place of business is located; except that this paragraph shall not apply in the case of a shotgun or rifle.

“(4) to any person any destructive device, machine gun (as defined in section 5848 of the Internal Revenue Code of 1954), short-barreled shotgun, or short-barreled rifle, unless he has in his possession a sworn statement executed by the principal law enforcement officer of the locality wherein the purchaser or person to whom it is otherwise disposed of resides, attesting that there is no provision of law, regulation, or ordinance which would be violated by such person's receipt or possession thereof, and that he is satisfied that it is intended by such person for lawful purposes; and such sworn statement shall be retained by the licensee as a part of the records required to be kept under the provisions of this chapter.

“(5) any firearm to any person unless the licensee notes in his records required to be kept pursuant to section 923 of this chapter, the name, age, and place of residence of such person if the person is an individual, or the identity and principal and local places of business of such person if the person is a corporation or other business entity.

Paragraphs (1), (2), (3) and (4) of this subsection shall not apply to transactions between licensed importers, licensed manufacturers, and licensed dealers.

“(c) It shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell or otherwise dispose of any firearm or ammunition to any person, knowing or having reasonable cause to believe that such person is a fugitive from justice or is under indictment or has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year. This subsection shall not apply with respect to sale or disposition of a firearm to a licensed importer, licensed manufacturer, or licensed dealer who pursuant to subsection (b) of section 925 of this chapter is not precluded from dealing in firearms, or to a person who has been granted relief from disabilities pursuant to subsection (c) of section 925 of this chapter.

“(d) It shall be unlawful for any common or contract carrier to transport or deliver in interstate or foreign commerce any firearm with knowledge or reasonable cause to believe that the shipment, transportation, or receipt thereof would be in violation of the provisions of this chapter.

“(e) It shall be unlawful for any person who is under indictment or who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, or who is a fugitive from

68A Stat. 726.
26 USC 5848.

Records.

Records.

justice, to ship or transport any firearm or ammunition in interstate or foreign commerce.

“(f) It shall be unlawful for any person who is under indictment or who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, or is a fugitive from justice, to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

“(g) It shall be unlawful for any person to transport or ship in interstate or foreign commerce, any stolen firearm or stolen ammunition, knowing or having reasonable cause to believe the same to have been stolen.

“(h) It shall be unlawful for any person to receive, conceal, store, barter, sell, or dispose of any stolen firearm or stolen ammunition, or pledge or accept as security for a loan any stolen firearm or stolen ammunition, moving as or which is a part of or which constitutes interstate or foreign commerce, knowing or having reasonable cause to believe the same to have been stolen.

“(i) It shall be unlawful for any person knowingly to transport, ship, or receive, in interstate or foreign commerce, any firearm the importer's or manufacturer's serial number of which has been removed, obliterated, or altered.

“(j) It shall be unlawful for any person knowingly to import or bring into the United States or any possession thereof any firearm or ammunition, except as provided in subsection (d) of section 925 of this chapter; and it shall be unlawful for any person knowingly to receive any firearm or ammunition which has been imported or brought into the United States or any possession thereof in violation of the provisions of this chapter.

“(k) It shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer knowingly to make any false entry in, or to fail to make appropriate entry in or to fail to properly maintain, any record which he is required to keep pursuant to section 923 of this chapter or regulations promulgated thereunder.

Records.

“§ 923. Licensing

“(a) No person shall engage in business as a firearms or ammunition importer, manufacturer, or dealer until he has filed an application with, and received a license to do so from, the Secretary. The application shall be in such form and contain such information as the Secretary shall by regulation prescribe. Each applicant shall be required to pay a fee for obtaining such a license, a separate fee being required for each place in which the applicant is to do business, as follows:

Fees.

“(1) If a manufacturer—

“(A) of destructive devices and/or ammunition a fee of \$1,000 per year;

“(B) of firearms other than destructive devices a fee of \$500 per year.

“(2) If an importer—

“(A) of destructive devices and/or ammunition a fee of \$1,000 per year;

“(B) of firearms other than destructive devices a fee of \$500 per year.

“(3) If a dealer—

“(A) in destructive devices and/or ammunition a fee of \$1,000 per year;

“(B) who is a pawnbroker dealing in firearms other than destructive devices a fee of \$250 per year;

“(C) who is not a dealer in destructive devices or a pawnbroker, a fee of \$10 per year.

"(b) Upon the filing of a proper application and payment of the prescribed fee, the Secretary may issue to the applicant the appropriate license which, subject to the provisions of this chapter and other applicable provisions of law, shall entitle the licensee to transport, ship, and receive firearms and ammunition covered by such license in interstate or foreign commerce during the period stated in the license.

Disapproval.

"(c) Any application submitted under subsections (a) and (b) of this section shall be disapproved and the license denied and the fee returned to the applicant if the Secretary, after notice and opportunity for hearing, finds that—

"(1) the applicant is under twenty-one years of age; or

"(2) the applicant (including in the case of a corporation, partnership, or association, any individual possessing directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under the provisions of this chapter; or is, by reason of his business experience, financial standing, or trade connections, not likely to commence business operations during the term of the annual license applied for or to maintain operations in compliance with this chapter; or

"(3) the applicant has willfully violated any of the provisions of this chapter or regulations issued thereunder; or

"(4) the applicant has willfully failed to disclose any material information required, or has made any false statement as to any material fact, in connection with his application; or

"(5) the applicant does not have, or does not intend to have or to maintain, in a State or possession, business premises for the conduct of the business.

Records.

"(d) Each licensed importer, licensed manufacturer, and licensed dealer shall maintain such records of importation, production, shipment, receipt, and sale or other disposition, of firearms and ammunition at such place, for such period and in such form as the Secretary may by regulations prescribe. Such importers, manufacturers, and dealers shall make such records available for inspection at all reasonable times, and shall submit to the Secretary such reports and information with respect to such records and the contents thereof as he shall by regulations prescribe. The Secretary or his delegate may enter during business hours the premises (including places of storage) of any firearms or ammunition importer, manufacturer, or dealer for the purpose of inspecting or examining any records or documents required to be kept by such importer or manufacturer or dealer under the provisions of this chapter or regulations issued pursuant thereto, and any firearms or ammunition kept or stored by such importer, manufacturer, or dealer at such premises. Upon the request of any State, or possession, or any political subdivision thereof, the Secretary of the Treasury may make available to such State, or possession, or any political subdivision thereof, any information which he may obtain by reason of the provisions of this chapter with respect to the identification of persons within such State, or possession, or political subdivision thereof, who have purchased or received firearms or ammunition, together with a description of such firearms or ammunition.

"(e) Licenses issued under the provisions of subsection (b) of this section shall be kept posted and kept available for inspection on the business premises covered by the license.

"(f) Licensed importers and licensed manufacturers shall identify, in such manner as the Secretary shall by regulations prescribe, each firearm imported or manufactured by such importer or manufacturer.

Posting of
license.

“§ 924. Penalties

“(a) Whoever violates any provision of this chapter or knowingly makes any false statement or representation with respect to the information required by the provisions of this chapter to be kept in the records of a person licensed under this chapter, or in applying for any license or exemption or relief from disability under the provisions of this chapter, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

“(b) Whoever, with intent to commit therewith an offense punishable by imprisonment for a term exceeding one year, or with knowledge or reasonable cause to believe that an offense punishable by imprisonment for a term exceeding one year is to be committed therewith, ships, transports, or receives a firearm in interstate or foreign commerce shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

“(c) Any firearm or ammunition involved in, or used or intended to be used in, any violation of the provisions of this chapter, or a rule or regulation promulgated thereunder, or violation of any other criminal law of the United States, shall be subject to seizure and forfeiture and all provisions of the Internal Revenue Code of 1954 relating to the seizure, forfeiture, and disposition of firearms, as defined in section 5848(1) of said Code, shall, so far as applicable, extend to seizures and forfeitures under the provisions of this chapter.

74 Stat. 149.
26 USC 5848.

“§ 925. Exceptions: relief from disabilities

“(a) The provisions of this chapter shall not apply with respect to the transportation, shipment, receipt, or importation of any firearm or ammunition imported for, or sold or shipped to, or issued for the use of the United States or any department, or agency thereof; or any State or possession, or any department, agency, or political subdivision thereof.

“(b) A licensed importer, licensed manufacturer, or licensed dealer who is indicted for a crime punishable by imprisonment for a term exceeding one year, may, notwithstanding any other provisions of this chapter, continue operations pursuant to his existing license (provided that prior to the expiration of the term of the existing license timely application is made for a new license) during the term of such indictment and until any conviction pursuant to the indictment becomes final.

“(c) A person who has been convicted of a crime punishable by imprisonment for a term exceeding one year (other than a crime involving the use of a firearm or other weapon or a violation of this chapter or of the National Firearms Act) may make application to the Secretary for relief from the disabilities under this chapter incurred by reason of such conviction, and the Secretary may grant such relief if it is established to his satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to conduct his operations in an unlawful manner, and that the granting of the relief would not be contrary to the public interest. A licensee conducting operations under this chapter, who makes application for relief from the disabilities incurred under this chapter by reason of such a conviction, shall not be barred by such conviction from further operations under his license pending final action on an application for relief filed pursuant to this section. Whenever the Secretary grants relief to any person pursuant to this section he shall promptly publish in the Federal Register notice of such action, together with the reasons therefor.

68A Stat. 721;
72 Stat. 1428.
26 USC 5801-
5862.

Publication in
Federal Register.

“(d) The Secretary may authorize a firearm to be imported or brought into the United States or any possession thereof if the

person importing or bringing in the firearm establishes to the satisfaction of the Secretary that the firearm—

“(1) is being imported or brought in for scientific or research purposes, or is for use in connection with competition or training pursuant to chapter 401 of title 10 of the United States Code; or

“(2) is an unserviceable firearm, other than a machinegun as defined by 5848(2) of the Internal Revenue Code of 1954 (not readily restorable to firing condition), imported or brought in as a curio or museum piece; or

“(3) is of a type that does not fall within the definition of a firearm as defined in section 5848(1) of the Internal Revenue Code of 1954 and is generally recognized as particularly suitable for or readily adaptable to sporting purposes, and in the case of surplus military firearms is a rifle or shotgun; or

“(4) was previously taken out of the United States or a possession by the person who is bringing in the firearm:

Provided, That the Secretary may permit the conditional importation or bringing in of a firearm for examination and testing in connection with the making of a determination as to whether the importation or bringing in of such firearm will be allowed under this subsection.

“§ 926. Rules and regulations

“The Secretary may prescribe such rules and regulations as he deems reasonably necessary to carry out the provisions of this chapter. The Secretary shall give reasonable public notice, and afford to interested parties opportunity for hearing, prior to prescribing such rules and regulations.

“§ 927. Effect on State law

“No provision of this chapter shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provision operates to the exclusion of the law of any State or possession on the same subject matter, unless there is a direct and positive conflict between such provision and the law of the State or possession so that the two cannot be reconciled or consistently stand together.

“§ 928. Separability

“If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected thereby.”

SEC. 903. The administration and enforcement of the amendment made by this title shall be vested in the Secretary of the Treasury.

SEC. 904. Nothing in this title or amendment made thereby shall be construed as modifying or affecting any provision of—

(a) the National Firearms Act (chapter 53 of the Internal Revenue Code of 1954); or

(b) section 414 of the Mutual Security Act of 1954 (22 U.S.C. 1934), as amended, relating to munitions control; or

(c) section 1715 of title 18, United States Code, relating to nonmailable firearms.

SEC. 905. The table of contents to “PART I.—CRIMES” of title 18, United States Code, is amended by inserting after

“43. False personation----- 911”
a new chapter reference as follows:

“44. Firearms----- 921”.

SEC. 906. The Federal Firearms Act (52 Stat. 1250; 15 U.S.C. 901-910), as amended, is repealed.

70A Stat. 234.
10 USC 4301-
4313.
68A Stat. 726.
26 USC 5848.

74 Stat. 149.

Administration.

68A Stat. 721.
26 USC 5801-
5862.
68 Stat. 848.
62 Stat. 781;
63 Stat. 95.

Repeal.

SEC. 907. The amendments made by this title shall become effective one hundred and eighty days after the date of its enactment; except that repeal of the Federal Firearms Act shall not in itself terminate any valid license issued pursuant to that Act and any such license shall be deemed valid until it shall expire according to its terms unless it be sooner revoked or terminated pursuant to applicable provisions of law.

Effective date.

Ante, p. 234.

TITLE V—DISQUALIFICATION FOR ENGAGING IN RIOTS AND CIVIL DISORDERS

SEC. 1001. (a) Subchapter II of chapter 73 of title 5, United States Code, is amended by adding immediately after section 7312 the following new section:

80 Stat. 524.

“§ 7313. Riots and civil disorders

“(a) An individual convicted by any Federal, State, or local court of competent jurisdiction of—

“(1) inciting a riot or civil disorder;

“(2) organizing, promoting, encouraging, or participating in a riot or civil disorder;

“(3) aiding or abetting any person in committing any offense specified in clause (1) or (2); or

“(4) any offense determined by the head of the employing agency to have been committed in furtherance of, or while participating in, a riot or civil disorder;

shall, if the offense for which he is convicted is a felony, be ineligible to accept or hold any position in the Government of the United States or in the government of the District of Columbia for the five years immediately following the date upon which his conviction becomes final. Any such individual holding a position in the Government of the United States or the government of the District of Columbia on the date his conviction becomes final shall be removed from such position.

“(b) For the purposes of this section, ‘felony’ means any offense for which imprisonment is authorized for a term exceeding one year.”

“Felony.”

(b) The analysis of chapter 73 of title 5, United States Code, immediately preceding section 7301 of such title, is amended by striking out the analysis of subchapter II and inserting in lieu thereof the following:

“SUBCHAPTER II—EMPLOYMENT LIMITATIONS

“Sec.

“7311. Loyalty and striking.

“7312. Employment and clearance; individuals removed from national security.

“7313. Riots and civil disorders.”

(c) The heading of subchapter II of chapter 73 of title 5, United States Code, immediately preceding section 7311 of such title, is amended to read as follows:

“SUBCHAPTER II—EMPLOYMENT LIMITATIONS”.

SEC. 1002. The provisions of section 1001(a) of this title shall apply only with respect to acts referred to in section 7313(a) (1)–(4) of title 5, United States Code, as added by section 1001 of this title, which are committed after the date of enactment of this title.

Effective date.

TITLE VI—CONFIRMATION OF THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION

SEC. 1101. Effective as of the day following the date on which the present incumbent in the office of Director ceases to serve as such, the Director of the Federal Bureau of Investigation shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive compensation at the rate prescribed for level II of the Federal Executive Salary Schedule.

80 Stat. 460.
5 USC 5313.

TITLE VII—UNLAWFUL POSSESSION OR RECEIPT OF FIREARMS

Post, p. 1236.

SEC. 1201. The Congress hereby finds and declares that the receipt, possession, or transportation of a firearm by felons, veterans who are other than honorably discharged, mental incompetents, aliens who are illegally in the country, and former citizens who have renounced their citizenship, constitutes—

(1) a burden on commerce or threat affecting the free flow of commerce,

(2) a threat to the safety of the President of the United States and Vice President of the United States,

(3) an impediment or a threat to the exercise of free speech and the free exercise of a religion guaranteed by the first amendment to the Constitution of the United States, and

(4) a threat to the continued and effective operation of the Government of the United States and of the government of each State guaranteed by article IV of the Constitution.

SEC. 1202. (a) Any person who—

(1) has been convicted by a court of the United States or of a State or any political subdivision thereof of a felony, or

(2) has been discharged from the Armed Forces under other than honorable conditions, or

(3) has been adjudged by a court of the United States or of a State or any political subdivision thereof of being mentally incompetent, or

(4) having been a citizen of the United States has renounced his citizenship, or

(5) being an alien is illegally or unlawfully in the United States,

and who receives, possesses, or transports in commerce or affecting commerce, after the date of enactment of this Act, any firearm shall be fined not more than \$10,000 or imprisoned for not more than two years, or both.

Penalty.

(b) Any individual who to his knowledge and while being employed by any person who—

(1) has been convicted by a court of the United States or of a State or any political subdivision thereof of a felony, or

(2) has been discharged from the Armed Forces under other than honorable conditions, or

(3) has been adjudged by a court of the United States or of a State or any political subdivision thereof of being mentally incompetent, or

(4) having been a citizen of the United States has renounced his citizenship, or

(5) being an alien is illegally or unlawfully in the United States,

and who, in the course of such employment, receives, possesses, or transports in commerce or affecting commerce, after the date of the

enactment of this Act, any firearm shall be fined not more than \$10,000 or imprisoned for not more than two years, or both.

(c) As used in this title—

(1) "commerce" means travel, trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia and any State, or between any foreign country or any territory or possession and any State or the District of Columbia, or between points in the same State but through any other State or the District of Columbia or a foreign country;

(2) "felony" means any offense punishable by imprisonment for a term exceeding one year;

(3) "firearm" means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; or any firearm muffler or firearm silencer; or any destructive device. Such term shall include any handgun, rifle, or shotgun;

(4) "destructive device" means any explosive, incendiary, or poison gas bomb, grenade, mine, rocket, missile, or similar device; and includes any type of weapon which will or is designed to or may readily be converted to expel a projectile by the action of any explosive and having any barrel with a bore of one-half inch or more in diameter;

(5) "handgun" means any pistol or revolver originally designed to be fired by the use of a single hand and which is designed to fire or capable of firing fixed cartridge ammunition, or any other firearm originally designed to be fired by the use of a single hand;

(6) "shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger;

(7) "rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

SEC. 1203. This title shall not apply to—

(1) any prisoner who by reason of duties connected with law enforcement has expressly been entrusted with a firearm by competent authority of the prison; and

(2) any person who has been pardoned by the President of the United States or the chief executive of a State and has expressly been authorized by the President or such chief executive, as the case may be, to receive, possess, or transport in commerce a firearm.

TITLE VIII—PROVIDING FOR AN APPEAL BY THE UNITED STATES FROM DECISIONS SUSTAINING MOTIONS TO SUPPRESS EVIDENCE

SEC. 1301. (a) Section 3731 of title 18, United States Code, is amended by inserting after the seventh paragraph the following new paragraph:

"From an order, granting a motion for return of seized property or a motion to suppress evidence, made before the trial of a person charged with a violation of any law of the United States, if the United States attorney certifies to the judge who granted such motion that

Penalty.

Definitions.

Post, p. 1236.

Exemptions.

62 Stat. 844.

the appeal is not taken for purpose of delay and that the evidence is a substantial proof of the charge pending against the defendant."

Release.

(b) Such section is amended by striking out in the third paragraph from the end "the defendant shall be admitted to bail on his own recognizance" and inserting "the defendant shall be released in accordance with chapter 207 of this title".

62 Stat. 821;
80 Stat. 214.
18 USC 3141-
3152.
Appeals.

SEC. 1302. Section 935 of the Act of March 3, 1901 (31 Stat. 1341) (D.C. Code, sec. 23-105), is amended—

(a) by inserting "(a)" immediately before "In all"; and

(b) by adding at the end thereof the following new subsection:

"(b) The United States may also appeal an order of the District of Columbia Court of General Sessions, granting a motion for return of seized property or a motion to suppress evidence, made before the trial of a person charged with a violation of any law of the United States, if the United States attorney conducting the prosecution for such violation certifies to the judge who granted such motion that the appeal is not taken for purpose of delay and that the evidence is a substantial proof of the charge pending against the defendant. Pending the prosecution and determination of such appeal, the defendant, if in custody for such violation, shall be released in accordance with chapter 207 of title 18, United States Code."

TITLE IX—ADDITIONAL GROUNDS FOR ISSUING WARRANT

Post, p. 638.

SEC. 1401. (a) Chapter 204 of title 18, United States Code, is amended by inserting immediately after section 3103 the following new section:

"§ 3103a. Additional grounds for issuing warrant

62 Stat. 819.

"In addition to the grounds for issuing a warrant in section 3103 of this title, a warrant may be issued to search for and seize any property that constitutes evidence of a criminal offense in violation of the laws of the United States."

(b) The table of sections for chapter 205 of title 18, United States Code, is amended by inserting after the item relating to section 3103 the following:

"3103a. Additional grounds for issuing warrant."

TITLE X—PROHIBITING EXTORTION AND THREATS IN THE DISTRICT OF COLUMBIA

SEC. 1501. Whoever with intent to extort from any person, firm, association, or corporation, any money or other thing of value: (1) transmits within the District of Columbia any communication containing any demand or request for ransom or reward for the release of any kidnapped person, shall be fined not more than \$5,000 or imprisoned not more than twenty years, or both; (2) transmits within the District of Columbia any communication containing any threat to kidnap any person or any threat to injure the person of another, shall be fined not more than \$5,000 or imprisoned not more than twenty years, or both; or (3) transmits within the District of Columbia any communication containing any threat to injure the property or reputation of the recipient of the communication or of another or the reputation of a deceased person or any threat to accuse the recipient of the communication or any other person of a crime, shall be fined not more than \$5,000 or imprisoned not more than twenty years, or both.

SEC. 1502. Whoever threatens within the District of Columbia to kidnap any person or to injure the person of another or physically

damage the property of any person or of another person, in whole or in part, shall be fined not more than \$5,000 or imprisoned not more than twenty years, or both.

TITLE XI—GENERAL PROVISIONS

SEC. 1601. If the provisions of any part of this Act or any amendments made thereby or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

Separability.

Approved June 19, 1968, 7:14 p.m.

Public Law 90-352

JOINT RESOLUTION

Making supplemental appropriations for the fiscal year ending June 30, 1968, and for other purposes.

June 19, 1968
[H. J. Res. 1268]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, to supply supplemental appropriations for the fiscal year ending June 30, 1968, and for other purposes; namely:

Supplemental appropriations, 1968.

CHAPTER I

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS (TRUST FUND)

For an additional amount for "Federal-aid highways (trust fund)", to remain available until expended, \$400,000,000 or so much thereof as may be available in and derived from the "Highway trust fund", which sum is part of the amount authorized to be appropriated for the fiscal year 1967.

CHAPTER II

CLAIMS AND JUDGMENTS

For payment of claims settled and determined by departments and agencies in accord with law and judgments rendered against the United States by the United States Court of Claims and United States district courts, as set forth in House Document Numbered 254 as amended by House Document Numbered 258, Ninetieth Congress, \$50,980,863, including \$174,334 payable from the postal fund, together with such amounts as may be necessary to pay interest (as and when specified in such judgments or provided by law) and such additional sums due to increases in rates of exchange as may be necessary to pay claims in foreign currency: *Provided*, That no judgment herein appropriated for shall be paid until it shall become final and conclusive against the United States by failure of the parties to appeal or otherwise: *Provided further*, That unless otherwise specifically required by law or by the judgment, payment of interest wherever appropriated for herein shall not continue for more than thirty days after the date of approval of this Act.

Approved June 19, 1968.

Public Law 90-353

June 20, 1968
[H. R. 15972]

AN ACT

To permit black and white or color reproductions of United States and foreign postage stamps under certain circumstances, and for other purposes.

U.S. and foreign
postage stamps.
Reproductions.
72 Stat. 1771.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (1) of section 504 of title 18, United States Code, is amended to read as follows:

“(1) the printing, publishing, or importation, or the making or importation of the necessary plates for such printing or publishing, of illustrations of—

“(A) postage stamps of the United States,

“(B) revenue stamps of the United States,

“(C) any other obligation or other security of the United States, and

“(D) postage stamps, revenue stamps, notes, bonds, and any other obligation or other security of any foreign government, bank, or corporation,

for philatelic, numismatic, educational, historical, or newsworthy purposes in articles, books, journals, newspapers, or albums (but not for advertising purposes, except illustrations of stamps and paper money in philatelic or numismatic advertising of legitimate numismatists and dealers in stamps or publishers of or dealers in philatelic or numismatic articles, books, journals, newspapers, or albums). Illustrations permitted by the foregoing provisions of this section shall be made in accordance with the following conditions—

“(i) all illustrations shall be in black and white, except that illustrations of postage stamps issued by the United States or by any foreign government may be in color;

“(ii) all illustrations (including illustrations of uncanceled postage stamps in color) shall be of a size less than three-fourths or more than one and one-half, in linear dimension, of each part of any matter so illustrated which is covered by subparagraph (A), (B), (C), or (D) of this paragraph, except that black and white illustrations of postage and revenue stamps issued by the United States or by any foreign government and colored illustrations of canceled postage stamps issued by the United States may be in the exact linear dimension in which the stamps were issued; and

“(iii) the negatives and plates used in making the illustrations shall be destroyed after their final use in accordance with this section.”

74 Stat. 605.

SEC. 2. (a) The table of contents of chapter 31 of title 39, United States Code, is amended by striking out—

“2506. Printing of black-and-white illustrations of United States stamps.”

and inserting in lieu thereof—

“2506. Printing of black-and-white or color illustrations of United States stamps.”

(b) The section heading of section 2506 of title 39, United States Code, is amended to read—

“§ 2506. Printing of black-and-white or color illustrations of United States stamps”

(c) Section 2506(a) of title 39, United States Code, is amended by inserting “or in color” immediately following the words “in black and white”.

Approved June 20, 1968.

Public Law 90-354

AN ACT

To amend the District of Columbia Public Education Act.

June 20, 1968
[S. 1999]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. Title I of the District of Columbia Public Education Act is amended by adding at the end thereof the following new sections:

"SEC. 107. In the administration of—

"(1) the Act of August 30, 1890 (7 U.S.C. 321-326, 328) (known as the Second Morrill Act),

"(2) the tenth paragraph under the heading 'EMERGENCY APPROPRIATIONS' in the Act of March 4, 1907 (7 U.S.C. 322) (known as the Nelson Amendment),

"(3) section 22 of the Act of June 29, 1935 (7 U.S.C. 329) (known as the Bankhead-Jones Act),

"(4) the Act of March 4, 1940 (7 U.S.C. 331), and

"(5) the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1629),

the Federal City College shall be considered to be a college established for the benefit of agriculture and the mechanic arts in accordance with the provisions of the Act of July 2, 1862 (7 U.S.C. 301-305, 307, 308) (known as the First Morrill Act); and the term 'State' as used in the laws and provisions of law listed in the preceding paragraphs of this section shall include the District of Columbia.

"SEC. 108. (a) Section 22 of the Act of June 29, 1935 (7 U.S.C. 329), is amended (1) by striking out '\$7,650,000' and inserting in lieu thereof '\$7,800,000', and (2) by striking out '\$4,300,000' and inserting in lieu thereof '\$4,320,000'.

"(b) In lieu of extending to the District of Columbia those provisions of the Act of July 2, 1862 (7 U.S.C. 301-305, 307, 308), relating to donations of public lands or land scrip for the endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts, there is authorized to be appropriated to the District of Columbia the sum of \$7,241,706. Amounts appropriated under this subsection shall be held and considered to have been granted to the District of Columbia subject to those provisions of that Act applicable to the proceeds from the sale of land or land scrip.

"SEC. 109. (a) In the administration of the Act of May 8, 1914 (7 U.S.C. 341-346, 347a-349) (known as the Smith-Lever Act)—

"(1) the Federal City College shall be considered to be a college established for the benefit of agriculture and the mechanic arts in accordance with the provisions of the Act of July 2, 1862 (7 U.S.C. 301-305, 307, 308); and

"(2) the term 'State' as used in such Act of May 8, 1914, shall include the District of Columbia, except that the District of Columbia shall not be eligible to receive any sums appropriated under section 3 of such Act.

"(b) In lieu of an authorization of appropriations for the District of Columbia under section 3 of such Act of May 8, 1914, there is authorized to be appropriated to the District of Columbia such sums as may be necessary to provide cooperative agricultural extension work in the District of Columbia under such Act. For the fiscal years ending June 30, 1969, and June 30, 1970, sums appropriated under this subsection may be used to pay the total cost of providing such extension work; and for each fiscal year thereafter such sums may be used to pay no more than one-half of such cost. Any reference in such Act (other than section 3 thereof) to funds appropriated under

D.C. Federal City College. Establishment as land-grant college.
80 Stat. 1426.
D.C. Code 31-1601 note.

26 Stat. 417.

34 Stat. 1281.

74 Stat. 525.

54 Stat. 39.

60 Stat. 1087.

12 Stat. 503.
"State."

Appropriations.

67 Stat. 83.

"State."

Cooperative agricultural extension work.
67 Stat. 84;
76 Stat. 745.

Federal Extension Service,
allotment.

such Act shall in the case of the District of Columbia be considered a reference to funds appropriated under this subsection.

“(c) Four per centum of the sums appropriated under subsection (b) for each fiscal year shall be allotted to the Federal Extension Service of the Department of Agriculture for administrative, technical, and other services provided by the Service in carrying out the purposes of this section.

“SEC. 110. The enactment of sections 107 and 109 of this title shall, as respects the District of Columbia, be deemed to satisfy any requirement of State consent contained in any of the laws or provisions of law referred to in such sections.”

Effective date.

SEC. 2. Sections 107 and 108 of the District of Columbia Public Education Act (added by section 1 of this Act) shall take effect with respect to appropriations for fiscal years beginning after June 30, 1968.

Approved June 20, 1968.

Public Law 90-355

AN ACT

June 20, 1968
[H. R. 4919]

To amend the Act of August 9, 1955, to authorize longer term leases of Indian lands on the Hualapai Reservation in Arizona.

Indians.
Long-term
leases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 1 of the Act of August 9, 1955 (69 Stat. 539), as amended (25 U.S.C. 415), is hereby further amended by inserting the words “the Hualapai Reservation,” after the words “the Fort Mojave Reservation.”

Approved June 20, 1968.

Public Law 90-356

AN ACT

June 22, 1968
[H. R. 7431]

For the relief of Gilmer County, Georgia.

Gilmer County,
Ga.
Relief.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury, not otherwise appropriated, to Gilmer County, Georgia, the sum of \$24,715 in full settlement of its claims against the United States for the Federal share of allowable project cost for the development of the Gilmer County Airport in accordance with the provisions of the Federal Airport Act in the period beginning July 1966 and ending October 1966, involving work which was part of the planned development of such airport as contemplated in Federal Aviation Agency Project Numbered 9-09-083-C701.

SEC. 2. No part of the amount appropriated in the first section of this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved June 22, 1968.

60 Stat. 170.
49 USC 1101
note.

Public Law 90-357

AN ACT

To correct and improve the Canal Zone Code, and for other purposes.

June 22, 1968
[H. R. 13439]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the list of titles of the Canal Zone Code, preceding title 1 of the Code, is amended by striking out

Canal Zone
Code, amendment.
76A Stat. 1.

"5. CIVIL PROCEDURE GENERALLY.",
and in lieu thereof inserting

"5. CIVIL PROCEDURE AND EVIDENCE."

SEC. 2. The list of chapters of title 1, Canal Zone Code, preceding chapter 1 of such title, is amended by striking out, in item numbered 5 thereof, the word "DEFINITIONS", and in lieu thereof inserting the word "CONSTRUCTION", so that the item will read:

"5. RULES OF CONSTRUCTION----- 61".

SEC. 3. The heading of chapter 5 of title 1, Canal Zone Code, preceding the analysis of sections in that chapter, is amended by striking out the word "DEFINITIONS" therein, and in lieu thereof inserting the word "CONSTRUCTION", so that the heading will read:

"CHAPTER 5—RULES OF CONSTRUCTION"

SEC. 4. The definition of "aircraft" in section 61 of title 1, Canal Zone Code, is amended by inserting the word "any" immediately preceding the word "contrivance".

"Aircraft."

SEC. 5. Chapter 5 of title 1, Canal Zone Code, is further amended by adding a new section thereto, immediately following section 66 of title 1, to read as follows:

"§ 67. Scope of applicability of United States Code sections

"The applicability to and within the Canal Zone, of the several sections of the United States Code, provided for by various provisions of the Canal Zone Code, extends to and includes any and all amendments which may be made from time to time after January 2, 1963, to those sections."

SEC. 6. The section analysis of chapter 5 of title 1, Canal Zone Code, preceding section 61 thereof, is amended by adding, immediately underneath item 66 in the analysis, the following new item:

"67. Scope of applicability of United States Code sections."

SEC. 7. Section 34 of title 2, Canal Zone Code, is amended by striking out the words "officer of the Army" and in lieu thereof inserting the words "officer of the Armed Forces".

SEC. 8. Subsection (f) of section 62, title 2, Canal Zone Code, is amended by striking out the final paragraph thereof, reading as follows:

"The net costs of operation of the Canal Zone Government, which are deemed to form an integral part of the costs of operation of the Panama Canal enterprise as a whole, shall not include interest but shall include depreciation and the reimbursement of other Government agencies for expenditures made on behalf of the Canal Zone Government. The payments into the Treasury, referred to in this subsection, shall be made annually to the extent earned, and if not earned shall be made from subsequent earnings unless the Congress otherwise directs."

SEC. 9. Subsection (g) of section 62, title 2, Canal Zone Code, is amended by adding the following paragraph at the end thereof:

Panama Canal
Company, opera-
tion costs.

"The net costs of operation of the Canal Zone Government, which are deemed to form an integral part of the costs of operation of the

Panama Canal enterprise as a whole, shall not include interest but shall include depreciation and the reimbursement of other Government agencies for expenditures made on behalf of the Canal Zone Government. The payments into the Treasury, referred to in this subsection, shall be made annually to the extent earned, and if not earned shall be made from subsequent earnings unless the Congress otherwise directs."

76A Stat. 22.

SEC. 10. Section 233 of title 2, Canal Zone Code, is amended by striking out the word "and" following the word "medical" and preceding the word "hospital", and in lieu thereof inserting the word "or".

SEC. 11. The analysis of sections for chapter 19 of title 2, Canal Zone Code, preceding section 451 of that chapter, is amended by striking out

"471. Declaration and findings."

and

"472. Construction, maintenance, and operation of bridge."

Bridges.

SEC. 12. (a) Chapter 21 of title 2, Canal Zone Code, is amended by inserting the following section analysis immediately preceding section 471 thereof:

"Sec.

"471. Declaration and findings.

"472. Construction, maintenance, and operation of bridge."

(b) Paragraph (4) of section 471 of title 2, Canal Zone Code, is amended by striking out "direction" in the third line and in lieu thereof inserting "directive".

SEC. 13. The list of chapters of title 2, part 2, Canal Zone Code, preceding chapter 51 of such title, is amended by striking out, in item numbered 65 thereof, the word "BRIDGES," so that the item will read:

"65. HIGHWAYS, ROADS, AND VEHICLES----- 1001".

SEC. 14. (a) The analysis of sections for chapter 73 of title 2, Canal Zone Code, preceding section 1131 of that chapter, is amended by striking out in item numbered 1136 thereof, the word "fees" and in lieu thereof inserting the word "funds" so that the item will read:

"1136. Control of money-order and postal-savings funds."

(b) The catchline to section 1136 of title 2, Canal Zone Code, is amended by striking out the word "fees" and in lieu thereof inserting the word "funds".

Publication of
regulations.
76A Stat. 50.

SEC. 15. (a) Subsection (a) of section 1541 of title 2, Canal Zone Code, is amended by inserting the reference "155," following the word "sections" and by inserting the words "and section 1654 of title 5" following the word "title" and before the word "shall".

(b) Subsection (b) of section 1541 of title 2, Canal Zone Code, is amended by striking out the reference "6225", and in lieu thereof inserting "6625", and by inserting the reference "2573," between "2061," and "4782".

76A Stat. 83.

SEC. 16. The analysis of sections preceding subchapter I of chapter 11, title 4, Canal Zone Code, is amended by striking out

"200. Future interests; posthumous children.",

and

"201. Transfer of title to future interests.",

and

"202. Future interests; possibilities.",

and in lieu thereof inserting

"200. Same; posthumous children.",

and

"201. Same; transfer of title.",

and

"202. Same; possibilities.",

respectively.

SEC. 17. Subsection (a) of section 423 of title 4, Canal Zone Code, is amended by striking out, in the third sentence thereof, the word "bought" and in lieu thereof inserting the word "brought".

76 A Stat. 89.

SEC. 18. Section 1391 of title 4, Canal Zone Code, is amended by striking out the reference "40-105" and in lieu thereof inserting "45-105".

76 A Stat. 126.

SEC. 19. The analysis of sections preceding subchapter I of chapter 45, title 4, Canal Zone Code, is amended by striking out the item

"1441. No property passes until goods are ascertained.",

and in lieu thereof inserting

"1441. Property not to pass until goods are ascertained."

SEC. 20. The introductory clause of subsection (a) of section 1492, title 4, Canal Zone Code, is amended to read as follows:

Unpaid seller,
rights.

"(a) Subject to the provisions of this chapter, notwithstanding that the property in the goods may have passed to the buyer, the unpaid seller of the goods, as such, has:"

SEC. 21. The introductory provisions of subsection (a) of section 1493 of title 4, Canal Zone Code, preceding clause (1) thereof, are amended by striking out the words "notwithstanding that" and in lieu thereof inserting "the unpaid seller of".

SEC. 22. Section 1582 of title 4, Canal Zone Code, is amended by striking out, after "goods, or", the word "remove" and in lieu thereof inserting the word "removes".

SEC. 23. The analysis of sections preceding subchapter I of chapter 51, title 4, Canal Zone Code, is amended by striking out the word "claims" in item numbered 1791, and in lieu thereof inserting "claim", so that the item will read:

"1791. Warehouseman has reasonable time to determine validity of claim."

SEC. 24. Section 1898 of title 4, Canal Zone Code, is amended by striking out the word "compensates" following the words "ownership, and", and in lieu thereof inserting the word "compensate".

SEC. 25. The catchline to section 1971 of title 4, Canal Zone Code, is amended by striking the comma following the word "time", and in lieu thereof inserting a semicolon.

SEC. 26. Paragraph (3) of section 3182 of title 4, Canal Zone Code, is amended by inserting the word "sections" after the word "of" and preceding the reference "3151-3157".

SEC. 27. Section 4123 of title 4, Canal Zone Code, is amended by striking out the word "encumbrances" and in lieu thereof inserting "encumbrancers".

SEC. 28. Section 4726 of title 4, Canal Zone Code, is amended by striking out the word "partly" and in lieu thereof inserting "party".

SEC. 29. Section 413 of title 5, Canal Zone Code, is amended by inserting the subsection symbol "(a)" at the beginning of the first paragraph.

76 A Stat. 306.

SEC. 30. The section analysis of chapter 15 of title 5, Canal Zone Code, preceding subchapter I of that chapter, is amended by striking

out, in the heading of subchapter I, as it appears in the analysis, "JUDGEMENTS", and in lieu thereof inserting "JUDGMENTS", so that the heading will read:

"SUBCHAPTER I—JUDGMENTS GENERALLY"

76A Stat. 316. SEC. 31. Items (A), (B), and (C) of subparagraph (6) of section 548 of title 5, Canal Zone Code, are amended to read as follows:

"(A) all of so much of the gross earnings as does not exceed \$40 per week;

"(B) 80 percent of so much of the gross earnings as exceeds \$40 per week and does not exceed \$100 per week; and

"(C) 50 percent of so much of the gross earnings as exceeds \$100 per week;"

SEC. 32. Section 1814 of title 5, Canal Zone Code, is amended by inserting the subsection symbol "(a)" at the beginning of the first paragraph.

SEC. 33. The introductory provisions of section 2962 of title 5, Canal Zone Code, preceding paragraph (1) thereof, are amended by striking out "heresay", preceding the word "evidence", and in lieu thereof inserting "hearsay".

76A Stat. 412. SEC. 34. The section analysis of chapter 1 of title 6, Canal Zone Code, preceding subchapter I of that chapter, is amended as follows:

(1) in item numbered 42, by striking out the word "or", and in lieu thereof inserting "on", so that the item will read:

"42. Conviction on testimony of accomplice; accomplice defined.";

and

(2) in item numbered 131, by striking out the word "crimes", and in lieu thereof inserting "offenses", so that the item will read:

"131. Arrest only for offenses declared in Code; exceptions."

SEC. 35. Section 461 of title 6, Canal Zone Code, is amended by striking out the reference "214" wherever it appears therein, and in lieu thereof inserting "210".

SEC. 36. Section 462 of title 6, Canal Zone Code, is amended by striking out the reference "215" wherever it appears therein, and in lieu thereof inserting "211".

SEC. 37. Section 543 of title 6, Canal Zone Code, is amended by striking out, after "intent" and preceding "arousing", the word "or", and in lieu thereof inserting "of".

SEC. 38. Section 988 of title 6, Canal Zone Code, is amended by striking out, in paragraph (1) thereof, the word "entitled" and in lieu thereof inserting "entitle".

SEC. 39. Subparagraph (4) of section 1132 of title 6, Canal Zone Code, is amended by striking out the word "quality" and in lieu thereof inserting "quantity".

SEC. 40. The section analysis of chapter 79 of title 6, Canal Zone Code, preceding subchapter I of that chapter, is amended by striking out the item numbered 1564, and in lieu thereof inserting:

"1564. Opening or injuring fence."

76A Stat. 495. SEC. 41. Paragraph (1) of subsection (b) of section 2572 of title 6, Canal Zone Code, and subsection (c) of such section, are amended by striking out the words "chief of police and fire division", where they appear therein, and in lieu thereof inserting the words "Chief, Police Division".

SEC. 42. Section 3841(a) of title 6, Canal Zone Code, is amended by striking out "exent" in the third line and in lieu thereof inserting "extent".

76A Stat. 508.

SEC. 43. Section 3847 of title 6, Canal Zone Code, is amended by striking out the words "of this chapter" following the word "provisions" and preceding the word "apply".

SEC. 44. Subparagraph (1) of section 41 of title 7, Canal Zone Code, is amended by striking out, after "thereof", the word "to", and in lieu thereof inserting "by".

SEC. 45. Section 1412 of title 7, Canal Zone Code, is amended by striking out the word "decendent" in the third sentence, and in lieu thereof inserting "decendent".

76A Stat. 597.

SEC. 46. The sectional analysis of chapter 73 of title 7, Canal Zone Code, preceding subchapter I of that chapter, is amended as follows:

(1) in item numbered 1744, by striking out the word "or", and in lieu thereof inserting "of", so that the item will read:

"1744. Execution of notes and instruments of security.";

and

(2) in item numbered 1773, by striking out the word "order", and in lieu thereof inserting "orders", so that the item will read:

"1773. Hearings; objections; orders; compliance."

SEC. 47. Section 1779 of title 7, Canal Zone Code, is amended by striking out, after "person", the word "entitle" and in lieu thereof inserting the word "entitled".

SEC. 48. The section analysis of chapter 75 of title 7, Canal Zone Code, preceding subchapter I of that chapter, is amended by striking out the word "accounts" in item numbered 1858, and in lieu thereof inserting "account", so that the item will read:

"1858. Exceptions to account; hearing; reference."

SEC. 49. The catchline to section 1858 of title 7, Canal Zone Code, is amended by striking out the word "referees", and in lieu thereof inserting "references".

SEC. 50. The section analysis of chapter 77 of title 7, Canal Zone Code, preceding subchapter I of that chapter, is amended by adding, immediately underneath item numbered 1923, the following item:

"1924. Ratable distribution."

SEC. 51. Section 1954 of title 7, Canal Zone Code, is amended by striking out the word "include" in the second sentence, and in lieu thereof inserting "included".

SEC. 52. The second sentence of section 2502 of title 7, Canal Zone Code, is amended by striking out, after "persons", the word "at", and in lieu thereof inserting "as".

SEC. 53. Section 2504 of title 7, Canal Zone Code, exclusive of the catchline to the section, is amended to read as follows:

"In appointing a trustee, the court shall prefer the spouse of the missing person, or his or her nominee, and, in the absence of a spouse, a person who is willing to act, and who would be entitled to participate in the distribution of the missing person's estate if he or she were dead."

Estates of
missing persons,
appointment of
trustee.

76A Stat. 640.

SEC. 54. Subsection (a) of section 3007 of title 7, Canal Zone Code, is amended by striking out, after the subsection symbol "(a)", the word "after", and in lieu thereof inserting "After".

SEC. 55. The section analysis of chapter 135 of title 7, Canal Zone Code, preceding section 3081 of that title, is amended by striking out,

in item numbered 3088, the word "Investments", and in lieu thereof inserting "Investment", so that the item will read:

"3088. Investment and management of wards' estates; orders of court."

76A Stat. 658.

SEC. 56. Section 3082 of title 7, Canal Zone Code, is amended by inserting after "bond", and preceding "the failure", the words "for any injury to the estate or a person interested therein, arising from".

SEC. 57. Subsection (b) of section 3201 of title 7, Canal Zone Code, is amended by striking out the word "obtaining" and in lieu thereof inserting "attaining".

76A Stat. 675.

SEC. 58. The second sentence of section 35 of title 8, Canal Zone Code, is amended by striking out the word "text" and in lieu thereof inserting "test".

SEC. 59. Subsection (a) of section 14 of title 18, United States Code, as last amended by subsection (a) of section 3 of the Act of October 18, 1962 (Public Law 87-845, 76A Stat. 698), is amended as follows:

(1) by inserting the words "as amended from time to time," following the word "title" and before the word "apply";

(2) by inserting the references "203, 205, 207, 208, 209, 210, 211, 218," following the reference to "202,"; and

(3) by striking out "1914,".

Repeals.

76A Stat. 428,
432.

SEC. 60. Sections 468, 469, and 691 of title 6, Canal Zone Code, are hereby repealed.

Approved June 22, 1968.

Public Law 90-358

AN ACT

To remove certain limitations on ocean cruises.

June 22, 1968
[H. R. 12639]

Ocean cruise
vessels.
Removal of cer-
tain limitations.
75 Stat. 89.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 613(b) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1183), is amended to read as follows:

"(b) If the Secretary of Commerce finds that the operation of any passenger vessel with respect to which a contract for the payment of an operating-differential subsidy has been entered into under section 603 of this title effective before January 2, 1960, is required for at least one-third of each year, but not for all of each year, in order to furnish adequate service on the service, route, or line covered by such contract, he may amend such contract to agree to pay an operating-differential subsidy for operation of the vessel (1) on such service, route, or line for such part of each year, and (2) on cruises for all or part of the remainder of each year if such specific cruise is approved by the Secretary of Commerce under subsection (d) of this section: *Provided, however,* That no such vessel may cruise for more than seven months of each year to ports which are regularly served by another United States-flag passenger vessel pursuant to an operating-differential subsidy contract."

46 USC 1173.

Repeal.

SEC. 2. (a) Subsection (d) of section 613 of the Merchant Marine Act, 1936, as amended, is hereby repealed.

(b) Subsections (e) and (f) of section 613 of the Merchant Marine Act, 1936, as amended, are hereby redesignated as subsections (d) and (e), respectively, including any references thereto.

Approved June 22, 1968.

Public Law 90-359

AN ACT

June 22, 1968
[H. R. 15190]

To amend sections 3 and 4 of the Act approved September 22, 1964 (78 Stat. 990), providing for an investigation and study to determine a site for the construction of a sea-level canal connecting the Atlantic and Pacific Oceans.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act approved September 22, 1964 (Public Law 88-609, 78 Stat. 990), as amended, is hereby further amended (1) by striking out "December 1, 1969" in section 3 and inserting in lieu thereof "December 1, 1970", and (2) by striking out "\$17,500,000" in section 4 and inserting in lieu thereof "\$24,000,000".

Interoceanic
canal site.

81 Stat. 781

Approved June 22, 1968.

Public Law 90-360

AN ACT

June 22, 1968
[S. 974]

To authorize the Secretary of Agriculture to convey certain lands to the city of Glendale, Arizona.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, should such land become surplus property pursuant to the Federal Property and Administrative Services Act of 1949, as amended, the Secretary of Agriculture is authorized and directed to convey to the city of Glendale, Arizona, upon payment by said city of such amount as he deems appropriate, but in no event less than \$35,000, giving due consideration to the public use thereof, all right, title, and interest of the United States in and to those lands constituting the grounds of the Southwest Poultry Experiment Station, located in the city of Glendale, Arizona, which station has been scheduled for closing in the near future by the Department of Agriculture. The lands authorized to be conveyed by this Act, consisting of approximately twenty acres, the exact legal description of which shall be determined by the Secretary of Agriculture, shall be made only after a final determination has been made by the Secretary that such lands are no longer needed by the Department of Agriculture for poultry research purposes or for any other purpose. After such a determination has been made by the Secretary and before the conveyance of such lands is made, the Secretary shall make such disposition of improvements and facilities located on such lands as he deems to be in the best interest of the United States.

Glendale, Ariz.
Land convey-
ance.
63 Stat. 377.
40 USC 471
note.

SEC. 2. The conveyance authorized by the first section of this Act shall provide that the lands so conveyed shall be used by the city of Glendale, Arizona, for public park or recreational purposes only, and if they shall ever cease to be used for such purposes the title to such lands shall revert to the United States which shall have the immediate right of reentry thereon. Such conveyance may be made subject to such other terms, conditions, and restrictions as the Secretary of Agriculture deems appropriate.

Conditions.

Approved June 22, 1968.

Public Law 90-361

June 27, 1968
[S. 2276]

AN ACT

To amend the Watershed Protection and Flood Prevention Act to permit the Secretary of Agriculture to contract for the construction of works of improvement upon request of local organizations.

Watershed Protection and Flood Prevention Act, amendment.
76 Stat. 610.
16 USC 1005.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(2) of the Watershed Protection and Flood Prevention Act is amended to read as follows:

“(2) Except as to the installation of works of improvement on Federal lands, the Secretary shall not construct or enter into any contract for the construction of any structure: *Provided*, That, if requested to do so by the local organization, the Secretary may enter into contracts for the construction of structures.”

Approved June 27, 1968.

Public Law 90-362

June 27, 1968
[S. 2914]

AN ACT

To authorize the further amendment of the Peace Corps Act.

Peace Corps. Appropriation authorization.
81 Stat. 542.
22 USC 2502.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(b) of the Peace Corps Act, as amended, which authorizes appropriations to carry out the purposes of that Act, is amended by striking out “1968” and “\$115,700,000” and substituting “1969” and “\$112,800,000”, respectively.

Approved June 27, 1968.

Public Law 90-363

June 28, 1968
[H. R. 15951]

AN ACT

To provide for uniform annual observances of certain legal public holidays on Mondays, and for other purposes.

Certain holidays.
Monday observance.
80 Stat. 515.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 6103(a) of title 5, United States Code, is amended to read as follows:

“§ 6103. Holidays

“(a) The following are legal public holidays:

“New Year’s Day, January 1.

“Washington’s Birthday, the third Monday in February.

“Memorial Day, the last Monday in May.

“Independence Day, July 4.

“Labor Day, the first Monday in September.

“Columbus Day, the second Monday in October.

“Veterans Day, the fourth Monday in October.

“Thanksgiving Day, the fourth Thursday in November.

“Christmas Day, December 25.”

(b) Any reference in a law of the United States (in effect on the effective date of the amendment made by subsection (a) of this section) to the observance of a legal public holiday on a day other than the day prescribed for the observance of such holiday by section 6103(a) of title 5, United States Code, as amended by subsection (a), shall on and after such effective date be con-

sidered a reference to the day for the observance of such holiday prescribed in such amended section 6103(a).

SEC. 2. The amendment made by subsection (a) of the first section of this Act shall take effect on January 1, 1971.

Effective date.

Approved June 28, 1968.

Public Law 90-364

AN ACT

To increase revenues, to limit expenditures and new obligational authority, and for other purposes.

June 28, 1968

[H. R. 15414]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Revenue and
Expenditure Con-
trol Act of 1968.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Revenue and Expenditure Control Act of 1968”.

(b) **TABLE OF CONTENTS.**—

TITLE I—INTERNAL REVENUE CODE AMENDMENTS

- Sec. 101. Amendment of existing law.
- Sec. 102. Imposition of tax surcharge.
- Sec. 103. Payment of estimated tax by corporations.
- Sec. 104. Special rules for application of sections 102 and 103.
- Sec. 105. Continuation of excise taxes on communication services and on automobiles.
- Sec. 106. Timely mailing of deposits.
- Sec. 107. Industrial development bonds.
- Sec. 108. Advertising in a political convention program.
- Sec. 109. Tax-exempt status of certain hospital service organizations.
- Sec. 110. Submission of proposals for tax reform.

TITLE II—EXPENDITURE AND RELATED CONTROLS

- Sec. 201. Limitation on the number of civilian officers and employees in the executive branch.
- Sec. 202. Reduction of \$6 billion in expenditures during fiscal year 1969.
- Sec. 203. Reduction of \$10 billion in new obligational authority.
- Sec. 204. Specific recommendations for \$8 billion rescission in old obligational authority.
- Sec. 205. Application of certain formulas.

TITLE III—SOCIAL SECURITY ACT AMENDMENTS

- Sec. 301. Limitation on number of children with respect to whom Federal payments may be made under program of aid to families with dependent children.
- Sec. 302. Aid to families with dependent children in case of unemployed fathers receiving unemployment compensation.
- Sec. 303. Federal payments under medical assistance program for certain services includible under supplementary medical insurance program.

TITLE I—INTERNAL REVENUE CODE AMENDMENTS

SEC. 101. AMENDMENT OF EXISTING LAW.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SEC. 102. IMPOSITION OF TAX SURCHARGE.

(a) **IMPOSITION OF TAX.**—Subchapter A of chapter 1 (relating to determination of tax liability) is amended by inserting at the end thereof the following new part:

68A Stat. 4.
26 USC 1-48.

“(C) EFFECTIVE DATE DEFINED.—For purposes of subparagraph (A), the term ‘effective date of the surcharge’ means—

“Effective date of the surcharge.”

- “(i) January 1, 1968, in the case of a corporation, and
- “(ii) April 1, 1968, in the case of any other taxpayer.

“(b) ADJUSTED TAX DEFINED.—For purposes of this section, the term ‘adjusted tax’ means, with respect to any taxable year, the tax imposed by this chapter for such taxable year, determined without regard to—

“Adjusted tax.”

“(1) the taxes imposed by this section, section 871(a), and section 881; and

“(2) any increases in tax under section 47(a) (relating to certain dispositions, etc., of section 38 property) or section 614(c) (4) (C) (relating to increase in tax for deductions under section 615(a) prior to aggregation),

and reduced by an amount equal to the amount of any credit which would be allowable under section 37 (relating to retirement income) if no tax were imposed by this section for such taxable year.

“(c) ESTIMATED TAX.—For purposes of applying the provisions of this title with respect to declarations, amended declarations, and payments of estimated tax the time prescribed for filing or payment of which is on or after—

“(1) in the case of an individual, September 15, 1968, or

“(2) in the case of a corporation, June 15, 1968, sections 6654(d) (1) and 6655(d) (1) shall not apply with respect to any taxable year for which a tax is imposed by this section.

“(d) WESTERN HEMISPHERE TRADE CORPORATIONS AND DIVIDENDS ON CERTAIN PREFERRED STOCK.—In computing, for a taxable year of a corporation, the fraction described in—

“(1) section 244(a) (2), relating to deduction with respect to dividends received on the preferred stock of a public utility,

“(2) section 247(a) (2), relating to deduction with respect to certain dividends paid by a public utility, or

“(3) section 922(2), relating to special deduction for Western Hemisphere trade corporations,

the denominator shall, under regulations prescribed by the Secretary or his delegate, be increased to reflect the rate at which tax is imposed under subsection (a) for such taxable year.

“(e) SHAREHOLDERS OF REGULATED INVESTMENT COMPANIES.—In computing the amount of tax deemed paid under section 852(b) (3) (D) (ii) and the adjustment to basis described in section 852(b) (3) (D) (iii), the percentages set forth therein shall be adjusted under regulations prescribed by the Secretary or his delegate to reflect the rate at which tax is imposed under subsection (a).

“(f) SPECIAL RULE.—For purposes of this title, to the extent the tax imposed by this section is attributable (under regulations prescribed by the Secretary or his delegate) to a tax imposed by another section of this chapter, such tax shall be deemed to be imposed by such other section.”

(b) TECHNICAL AMENDMENT.—Section 963(b) (relating to receipt of minimum distributions by domestic corporations) is amended—

(1) by striking out the heading of paragraph (1) and inserting in lieu thereof the following:

“(1) TAXABLE YEARS BEGINNING IN 1963 AND TAXABLE YEARS ENTIRELY WITHIN THE SURCHARGE PERIOD.—”, and

(2) by striking out the heading of paragraph (3) and inserting in lieu thereof the following:

80 Stat. 1547,
1555.
26 USC 871,
881.
76 Stat. 963.
72 Stat. 1637.
68A Stat. 211.

68A Stat. 15.

80 Stat. 62;
68A Stat. 825;
Post, p. 264.

68A Stat. 73;
78 Stat. 55.

70 Stat. 530.

78 Stat. 29.

“(3) TAXABLE YEARS BEGINNING AFTER 1964 (EXCEPT TAXABLE YEARS WHICH INCLUDE ANY PART OF THE SURCHARGE PERIOD).—”, and

(3) by adding after the table in paragraph (3) the following: “In the case of a taxable year beginning before the surcharge period and ending within the surcharge period, or beginning within the surcharge period and ending after the surcharge period, the required minimum distribution shall be an amount equal to the sum of—

“(A) that portion of the minimum distribution which would be required if the provisions of paragraph (1) were applicable to the taxable year, which the number of days in such taxable year which are within the surcharge period bears to the total number of days in such taxable year, plus

“(B) that portion of the minimum distribution which would be required if the provisions of paragraph (3) were applicable to such taxable year, which the number of days in such taxable year which are not within the surcharge period bears to the total number of days in such taxable year.

“Surcharge period.”

As used in this subsection, the term ‘surcharge period’ means the period beginning January 1, 1968, and ending June 30, 1969.”

(c) WITHHOLDING ON WAGES.—

80 Stat. 38.
26 USC 3402.

(1) PERCENTAGE METHOD OF WITHHOLDING.—Subsection (a) of section 3402 (relating to requirement of withholding) is amended—

(A) by inserting before table 1 therein the following:

“(1) In the case of wages paid on or before the 15th day after the date of the enactment of the Revenue and Expenditure Control Act of 1968 or after June 30, 1969:”; and

Ante, p. 251.

(B) by adding at the end thereof the following:

“(2) In the case of wages paid after the 15th day after the date of the enactment of the Revenue and Expenditure Control Act of 1968 and before July 1, 1969:

“Table 1—If the payroll period with respect to an employee is WEEKLY

“(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over \$4.....	0.
Over \$4 but not over \$13.....	14% of excess over \$4.
Over \$13 but not over \$23.....	\$1.26 plus 15% of excess over \$13.
Over \$23 but not over \$85.....	\$2.76 plus 19% of excess over \$23.
Over \$85 but not over \$169.....	\$14.54 plus 22% of excess over \$85.
Over \$169 but not over \$212.....	\$33.02 plus 28% of excess over \$169.
Over \$212.....	\$45.06 plus 33% of excess over \$212.

“(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over \$4.....	0.
Over \$4 but not over \$23.....	14% of excess over \$4.
Over \$23 but not over \$58.....	\$2.66 plus 15% of excess over \$23.
Over \$58 but not over \$169.....	\$7.91 plus 19% of excess over \$58.
Over \$169 but not over \$340.....	\$29.00 plus 22% of excess over \$169.
Over \$340 but not over \$423.....	\$66.62 plus 28% of excess over \$340.
Over \$423.....	\$89.86 plus 33% of excess over \$423.

"Table 2—If the payroll period with respect to an employee is BIWEEKLY

"(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over \$8.....	0.
Over \$8 but not over \$27.....	14% of excess over \$8.
Over \$27 but not over \$46.....	\$2.66 plus 15% of excess over \$27.
Over \$46 but not over \$169.....	\$5.51 plus 19% of excess over \$46.
Over \$169 but not over \$338.....	\$28.88 plus 22% of excess over \$169.
Over \$338 but not over \$423.....	\$66.06 plus 28% of excess over \$338.
Over \$423.....	\$89.86 plus 33% of excess over \$423.

"(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over \$8.....	0.
Over \$8 but not over \$46.....	14% of excess over \$8.
Over \$46 but not over \$115.....	\$5.32 plus 15% of excess over \$46.
Over \$115 but not over \$338.....	\$15.67 plus 19% of excess over \$115.
Over \$338 but not over \$681.....	\$58.04 plus 22% of excess over \$338.
Over \$681 but not over \$846.....	\$133.50 plus 28% of excess over \$681.
Over \$846.....	\$179.70 plus 33% of excess over \$846.

"Table 3—If the payroll period with respect to an employee is SEMIMONTHLY

"(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over \$8.....	0.
Over \$8 but not over \$29.....	14% of excess over \$8.
Over \$29 but not over \$50.....	\$2.94 plus 15% of excess over \$29.
Over \$50 but not over \$183.....	\$6.09 plus 19% of excess over \$50.
Over \$183 but not over \$367.....	\$31.36 plus 22% of excess over \$183.
Over \$367 but not over \$458.....	\$71.84 plus 28% of excess over \$367.
Over \$458.....	\$97.32 plus 33% of excess over \$458.

"(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over \$8.....	0.
Over \$8 but not over \$50.....	14% of excess over \$8.
Over \$50 but not over \$125.....	\$5.88 plus 15% of excess over \$50.
Over \$125 but not over \$367.....	\$17.13 plus 19% of excess over \$125.
Over \$367 but not over \$738.....	\$63.11 plus 22% of excess over \$367.
Over \$738 but not over \$917.....	\$144.73 plus 28% of excess over \$738.
Over \$917.....	\$194.85 plus 33% of excess over \$917.

"Table 4—If the payroll period with respect to an employee is MONTHLY

"(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over \$17.....	0.
Over \$17 but not over \$58.....	14% of excess over \$17.
Over \$58 but not over \$100.....	\$5.74 plus 15% of excess over \$58.
Over \$100 but not over \$367.....	\$12.04 plus 19% of excess over \$100.
Over \$367 but not over \$733.....	\$62.77 plus 22% of excess over \$367.
Over \$733 but not over \$917.....	\$143.29 plus 28% of excess over \$733.
Over \$917.....	\$194.81 plus 33% of excess over \$917.

"(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over \$17.....	0.
Over \$17 but not over \$100.....	14% of excess over \$17.
Over \$100 but not over \$250.....	\$11.62 plus 15% of excess over \$100.
Over \$250 but not over \$733.....	\$34.12 plus 19% of excess over \$250.
Over \$733 but not over \$1475.....	\$125.89 plus 22% of excess over \$733.
Over \$1475 but not over \$1833.....	\$289.13 plus 28% of excess over \$1475.
Over \$1833.....	\$389.37 plus 33% of excess over \$1833.

"Table 5.—If the payroll period with respect to an employee is QUARTERLY

"(a) Single Person—Including Head of Household:

If the amount of wages is:

Not over \$50-----	
Over \$50 but not over \$175-----	
Over \$175 but not over \$300-----	
Over \$300 but not over \$1100-----	
Over \$1100 but not over \$2200-----	
Over \$2200 but not over \$2750-----	
Over \$2750-----	

The amount of income tax to be withheld shall be:

0.
14% of excess over \$50.
\$17.50 plus 15% of excess over \$175.
\$36.25 plus 19% of excess over \$300.
\$188.25 plus 22% of excess over \$1100.
\$430.25 plus 28% of excess over \$2200.
\$584.25 plus 33% of excess over \$2750.

"(b) Married Person:

If the amount of wages is:

Not over \$50-----	
Over \$50 but not over \$300-----	
Over \$300 but not over \$750-----	
Over \$750 but not over \$2200-----	
Over \$2200 but not over \$4425-----	
Over \$4425 but not over \$5500-----	
Over \$5500-----	

The amount of income tax to be withheld shall be:

0.
14% of excess over \$50.
\$35.00 plus 15% of excess over \$300.
\$102.50 plus 19% of excess over \$750.
\$378.00 plus 22% of excess over \$2200.
\$867.50 plus 28% of excess over \$4425.
\$1168.50 plus 33% of excess over \$5500.

"Table 6.—If the payroll period with respect to an employee is SEMIANNUAL

"(a) Single Person—Including Head of Household:

If the amount of wages is:

Not over \$100-----	
Over \$100 but not over \$350-----	
Over \$350 but not over \$600-----	
Over \$600 but not over \$2200-----	
Over \$2200 but not over \$4400-----	

The amount of income tax to be withheld shall be:

0.
14% of excess over \$100.
\$35.00 plus 15% of excess over \$350.
\$72.50 plus 19% of excess over \$600.
\$376.50 plus 22% of excess over \$2200.

Over \$4400 but not over \$5500-----

\$860.50 plus 28% of excess over \$4400.

Over \$5500-----

\$1168.50 plus 33% of excess over \$5500.

"(b) Married Person:

If the amount of wages is:

Not over \$100-----	
Over \$100 but not over \$600-----	
Over \$600 but not over \$1500-----	
Over \$1500 but not over \$4400-----	
Over \$4400 but not over \$8850-----	
Over \$8850 but not over \$11,000-----	

The amount of income tax to be withheld shall be:

0.
14% of excess over \$100.
\$70.00 plus 15% of excess over \$600.
\$205.00 plus 19% of excess over \$1500.
\$756.00 plus 22% of excess over \$4400.
\$1735.00 plus 28% of excess over \$8850.
\$2337.00 plus 33% of excess over \$11,000.

Over \$11,000-----

"Table 7.—If the payroll period with respect to an employee is ANNUAL

"(a) Single Person—Including Head of Household:

If the amount of wages is:

Not over \$200-----	
Over \$200 but not over \$700-----	
Over \$700 but not over \$1200-----	
Over \$1200 but not over \$4400-----	
Over \$4400 but not over \$8800-----	
Over \$8800 but not over \$11,000-----	
Over \$11,000-----	

The amount of income tax to be withheld shall be:

0.
14% of excess over \$200.
\$70 plus 15% of excess over \$700.
\$145 plus 19% of excess over \$1200.
\$753 plus 22% of excess over \$4400.
\$1,721 plus 28% of excess over \$8800.
\$2,337 plus 33% of excess over \$11,000.

“(b) Married Person:

If the amount of wages is:

Not over \$200-----	0.
Over \$200 but not over \$1200-----	14% of excess over \$200.
Over \$1200 but not over \$3000-----	\$140 plus 15% of excess over \$1200.
Over \$3000 but not over \$8800-----	\$410 plus 19% of excess over \$3000.
Over \$8800 but not over \$17,700-----	\$1,512 plus 22% of excess over \$8800.
Over \$17,700 but not over \$22,000--	\$3,470 plus 28% of excess over \$17,700.
Over \$22,000-----	\$4,674 plus 33% of excess over \$22,000.

The amount of income tax to be withheld shall be:

0.
14% of excess over \$200.
\$140 plus 15% of excess over \$1200.
\$410 plus 19% of excess over \$3000.
\$1,512 plus 22% of excess over \$8800.
\$3,470 plus 28% of excess over \$17,700.
\$4,674 plus 33% of excess over \$22,000.

“Table 8—If the payroll period with respect to an employee is a DAILY payroll or a miscellaneous payroll period

“(a) Single Person—including Head of Household:

If the amount of wages divided by the number of days in the payroll period is:

Not over \$0.50-----	0.
Over \$0.50 but not over \$1.90-----	14% of excess over \$0.50.
Over \$1.90 but not over \$3.30-----	\$0.20 plus 15% of excess over \$1.90.
Over \$3.30 but not over \$12.10-----	\$0.41 plus 19% of excess over \$3.30.
Over \$12.10 but not over \$24.10-----	\$2.08 plus 22% of excess over \$12.10.
Over \$24.10 but not over \$30.10-----	\$4.72 plus 28% of excess over \$24.10.
Over \$30.10-----	\$6.40 plus 33% of excess over \$30.10.

The amount of income tax to be withheld shall be the following amount multiplied by the number of days in such period:

0.
14% of excess over \$0.50.
\$0.20 plus 15% of excess over \$1.90.
\$0.41 plus 19% of excess over \$3.30.
\$2.08 plus 22% of excess over \$12.10.
\$4.72 plus 28% of excess over \$24.10.
\$6.40 plus 33% of excess over \$30.10.

“(b) Married Person:

If the amount of wages divided by the number of days in the payroll period is:

Not over \$0.50-----	0.
Over \$0.50 but not over \$3.30-----	14% of excess over \$0.50.
Over \$3.30 but not over \$8.20-----	\$0.39 plus 15% of excess over \$3.30.
Over \$8.20 but not over \$24.10-----	\$1.13 plus 19% of excess over \$8.20.
Over \$24.10 but not over \$48.50-----	\$4.15 plus 22% of excess over \$24.10.
Over \$48.50 but not over \$60.30-----	\$9.52 plus 28% of excess over \$48.50.
Over \$60.30-----	\$12.82 plus 33% of excess over \$60.30.”

The amount of income tax to be withheld shall be the following amount multiplied by the number of days in such period:

0.
14% of excess over \$0.50.
\$0.39 plus 15% of excess over \$3.30.
\$1.13 plus 19% of excess over \$8.20.
\$4.15 plus 22% of excess over \$24.10.
\$9.52 plus 28% of excess over \$48.50.
\$12.82 plus 33% of excess over \$60.30.”

(2) WAGE BRACKET WITHHOLDING.—Subsection (c) of section 3402 (relating to wage bracket withholding) is amended by adding at the end thereof the following new paragraph:

“(6) In the case of wages paid after the 15th day after the date of the enactment of the Revenue and Expenditure Control Act of 1968, and before July 1, 1969, the amount deducted and withheld under paragraph (1) shall be determined in accordance with tables prescribed by the Secretary or his delegate in lieu of the tables contained in paragraph (1). The tables so prescribed shall be the same as the tables contained in paragraph (1), except that amounts and rates set forth as amounts and rates of tax to be deducted and withheld shall be computed on the basis of table 7 contained in subsection (a) (2).”

(d) CLERICAL AMENDMENT.—The table of parts of subchapter A of chapter 1 is amended by adding at the end thereof the following:

“Part V. Tax surcharge.”

(e) EFFECTIVE DATE.—Except as provided by section 104, the amendments made by this section (other than subsection (c)) shall apply—

(1) Insofar as they relate to taxpayers other than corporations, to taxable years ending after March 31, 1968, and beginning before July 1, 1969.

68A Stat. 458.
26 USC 3402.

Ante, p. 251.

80 Stat. 41.

Ante, p. 258.

Post, p. 264.

(2) Insofar as they relate to corporations, to taxable years ending after December 31, 1967, and beginning before July 1, 1969.

SEC. 103. PAYMENT OF ESTIMATED TAX BY CORPORATIONS.

(a) **REPEAL OF REQUIREMENT OF DECLARATION.**—Section 6016 (relating to declarations of estimated income tax by corporations) and section 6074 (relating to time for filing declarations of estimated income tax by corporations) are repealed.

(b) **INSTALLMENT PAYMENTS OF ESTIMATED INCOME TAX BY CORPORATIONS.**—Section 6154 (relating to installment payments of estimated income tax by corporations) is amended to read as follows:

“SEC. 6154. INSTALLMENT PAYMENTS OF ESTIMATED INCOME TAX BY CORPORATIONS.

“(a) **CORPORATIONS REQUIRED TO PAY ESTIMATED INCOME TAX.**—Every corporation subject to taxation under section 11 or 1201 (a), or subchapter L of chapter 1 (relating to insurance companies), shall make payments of estimated tax (as defined in subsection (c)) during its taxable year as provided in subsection (b) if its estimated tax for such taxable year can reasonably be expected to be \$40 or more.

“(b) **PAYMENT IN INSTALLMENTS.**—Any corporation required under subsection (a) to make payments of estimated tax (as defined in subsection (c)) shall make such payments in installments as follows:

“If the requirements of subsection (a) are first met—	The following percentages of the estimated tax shall be paid on the 15th day of the—			
	4th month	6th month	9th month	12th month
Before the 1st day of the 4th month of the taxable year.....	25	25	25	25
After the 1st day of the 3d month and before the 1st day of the 6th month of the taxable year.....		33½	33½	33½
After the 1st day of the 5th month and before the 1st day of the 9th month of the taxable year.....			50	50
After the 1st day of the 8th month and before the 1st day of the 12th month of the taxable year.....				100

“(c) **ESTIMATED TAX DEFINED.**—

“(1) **IN GENERAL.**—For purposes of this title, in the case of a corporation the term ‘estimated tax’ means the excess of—

“(A) the amount which the corporation estimates as the amount of the income tax imposed by section 11 or 1201 (a), or subchapter L of chapter 1, whichever is applicable, over

“(B) the sum of—

“(i) the amount which the corporation estimates as the sum of the credits against tax provided by part IV of subchapter A of chapter 1,

“(ii) in the case of a taxable year beginning after December 31, 1967, and before January 1, 1977, the amount of the corporation’s temporary estimated tax exemption for such year, and

“(iii) in the case of a taxable year beginning after December 31, 1967, and before January 1, 1972, the amount of the corporation’s transitional exemption for such year.

“(2) **TEMPORARY ESTIMATED TAX EXEMPTION.**—

“(A) **IN GENERAL.**—For purposes of clause (ii) of paragraph (1) (B), the amount of a corporation’s temporary estimated tax exemption for a taxable year equals the applicable percentage (determined under subparagraph (B)) multiplied by the lesser of—

68A Stat. 738;
80 Stat. 1563.
26 USC 6016.
78 Stat. 27.

78 Stat. 25;
80 Stat. 64.

68A Stat. 320.
26 USC 801-
843.

26 USC 31-48.

“(i) an amount equal to 22 percent of the amount which the corporation estimates as its surtax exemption (as defined in section 11(d)) for such year, or

78 Stat. 25.
26 USC 11.

“(ii) the excess determined under paragraph (1) without regard to clauses (ii) and (iii) of paragraph (1)(B).

“(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A) and section 6655(e)(2), the applicable percentage is—

Post, p. 262.

“In the case of a taxable year beginning in—

1968, 1969, 1970, 1971, and 1972.....	100 percent
1973.....	80 percent
1974.....	60 percent
1975.....	40 percent
1976.....	20 percent.

“(3) TRANSITIONAL EXEMPTION.—

“(A) IN GENERAL.—For purposes of clause (iii) of paragraph (1)(B), the amount of a corporation's transitional exemption for a taxable year equals the exclusion percentage (determined under subparagraph (B)) multiplied by the lesser of—

“(i) \$100,000, reduced by the amount of the corporation's temporary estimated tax exemption for such year, or

“(ii) the excess determined under paragraph (1) without regard to clause (iii) of paragraph (1)(B).

“(B) EXCLUSION PERCENTAGE.—For purposes of subparagraph (A) and section 6655(e)(3), the exclusion percentage is—

Post, p. 262.

“In the case of a taxable year beginning in—

1968.....	80 percent
1969.....	60 percent
1970.....	40 percent
1971.....	20 percent.

“(d) RECOMPUTATION OF ESTIMATED TAX.—If, after paying any installment of estimated tax, the taxpayer makes a new estimate, the amount of each remaining installment (if any) shall be the amount which would have been payable if the new estimate had been made when the first estimate for the taxable year was made, increased or decreased (as the case may be) by the amount computed by dividing—

“(1) the difference between—

“(A) the amount of estimated tax required to be paid before the date on which the new estimate is made, and

“(B) the amount of estimated tax which would have been required to be paid before such date if the new estimate had been made when the first estimate was made, by

“(2) the number of installments remaining to be paid on or after the date on which the new estimate is made.

“(e) APPLICATION TO SHORT TAXABLE YEAR.—The application of this section to taxable years of less than 12 months shall be in accordance with regulations prescribed by the Secretary or his delegate.

“(f) INSTALLMENTS PAID IN ADVANCE.—At the election of the corporation, any installment of the estimated tax may be paid before the date prescribed for its payment.

“(g) CERTAIN FOREIGN CORPORATIONS.—For purposes of this section and section 6655, in the case of a foreign corporation subject to taxation under section 11 or 1201(a), or under subchapter L of chapter 1, the tax imposed by section 881 shall be treated as a tax imposed by section 11.”

68A Stat. 320.
26 USC 801-
843.
80 Stat. 1555.

(c) FAILURE BY CORPORATION TO PAY ESTIMATED TAX.—

68A Stat. 825;
78 Stat. 28.
26 USC 6655.

(1) RAISING 70 PERCENT REQUIREMENT TO 80 PERCENT.—Subsections (b) and (d) (3) of section 6655 (relating to underpayments of estimated tax) are amended by striking out “70 percent” each place it appears therein and inserting in lieu thereof “80 percent”.

(2) DEFINITION OF TAX.—Subsection (e) of section 6655 (relating to definition of tax) is amended to read as follows:

“(e) DEFINITION OF TAX.—

“(1) IN GENERAL.—For purposes of subsections (b) and (d), the term ‘tax’ means the excess of—

78 Stat. 25.
68A Stat. 320.
26 USC 801-
843.

“(A) the tax imposed by section 11 or 1201 (a), or subchapter L of chapter 1, whichever is applicable, over

“(B) the sum of—

26 USC 31-48.

“(i) the credits against tax provided by part IV of subchapter A of chapter 1,

“(ii) in the case of a taxable year beginning after December 31, 1967, and before January 1, 1977, the amount of the corporation’s temporary estimated tax exemption for such year, and

“(iii) in the case of a taxable year beginning after December 31, 1967, and before January 1, 1972, the amount of the corporation’s transitional exemption for such year.

“(2) TEMPORARY ESTIMATED TAX EXEMPTION.—For purposes of clause (ii) of paragraph (1) (B), the amount of a corporation’s temporary estimated tax exemption for a taxable year equals the applicable percentage (determined under section 6154(c) (2) (B)) multiplied by the lesser of—

Ante, p. 261.

“(A) an amount equal to 22 percent of the corporation’s surtax exemption (as defined in section 11(d)) for such year, or

“(B) the excess determined under paragraph (1) without regard to clauses (ii) and (iii) of paragraph (1) (B).

“(3) TRANSITIONAL EXEMPTION.—For purposes of clause (iii) of paragraph (1) (B), the amount of a corporation’s transitional exemption for a taxable year equals the exclusion percentage (determined under section 6154(c) (3) (B)) multiplied by the lesser of—

“(A) \$100,000, reduced by the amount of the corporation’s temporary estimated tax exemption for such year, or

“(B) the excess determined under paragraph (1) without regard to clause (iii) of paragraph (1) (B).

“(4) SPECIAL RULE FOR SUBSECTION (d) (1) AND (2).—In applying this subsection for purposes of subsection (d) (1) and (2), the applicable percentage and the exclusion percentage shall be the percentage for the taxable year for which the underpayment is being determined.”

(d) ADJUSTMENT OF OVERPAYMENT.—

26 USC 6411-
6424.

(1) ALLOWANCE OF ADJUSTMENT.—Subchapter B of chapter 65 (relating to rules of special application) is amended by adding at the end thereof the following new section:

“SEC. 6425. ADJUSTMENT OF OVERPAYMENT OF ESTIMATED INCOME TAX BY CORPORATION.

“(a) APPLICATION FOR ADJUSTMENT.—

“(1) TIME FOR FILING.—A corporation may, after the close of the taxable year and on or before the 15th day of the third month thereafter, and before the day on which it files a return for such taxable year, file an application for an adjustment of an overpay-

ment by it of estimated income tax for such taxable year. An application under this subsection shall not constitute a claim for credit or refund.

“(2) **FORM OF APPLICATION, ETC.**—An application under this subsection shall be verified in the manner prescribed by section 6065 in the case of a return of the taxpayer, and shall be filed in the manner and form required by regulations prescribed by the Secretary or his delegate. The application shall set forth—

68A Stat. 749.
26 USC 6065.

“(A) the estimated income tax paid by the corporation during the taxable year,

“(B) the amount which, at the time of filing the application, the corporation estimates as its income tax liability for the taxable year,

“(C) the amount of the adjustment, and

“(D) such other information for purposes of carrying out the provisions of this section as may be required by such regulations.

“(b) **ALLOWANCE OF ADJUSTMENT.**—

“(1) **LIMITED EXAMINATION OF APPLICATION.**—Within a period of 45 days from the date on which an application for an adjustment is filed under subsection (a), the Secretary or his delegate shall make, to the extent he deems practicable in such period, a limited examination of the application to discover omissions and errors therein, and shall determine the amount of the adjustment upon the basis of the application and the examination; except that the Secretary or his delegate may disallow, without further action, any application which he finds contains material omissions or errors which he deems cannot be corrected within such 45 days.

“(2) **ADJUSTMENT CREDITED OR REFUNDED.**—The Secretary or his delegate, within the 45-day period referred to in paragraph (1), may credit the amount of the adjustment against any liability in respect of an internal revenue tax on the part of the corporation and shall refund the remainder to the corporation.

“(3) **LIMITATION.**—No application under this section shall be allowed unless the amount of the adjustment equals or exceeds (A) 10 percent of the amount estimated by the corporation on its application as its income tax liability for the taxable year, and (B) \$500.

“(4) **EFFECT OF ADJUSTMENT.**—For purposes of this title (other than section 6655), any adjustment under this section shall be treated as a reduction, in the estimated income tax paid, made on the day the credit is allowed or the refund is paid.

“(c) **DEFINITIONS.**—For purposes of this section and section 6655 (g) (relating to excessive adjustment)—

“(1) The term ‘income tax liability’ means the excess of—

“(A) the tax imposed by section 11 or 1201(a), or subchapter L of chapter 1, whichever is applicable, over

“(B) the credits against tax provided by part IV of subchapter A of chapter 1.

“(2) The amount of an adjustment under this section is equal to the excess of—

“(A) the estimated income tax paid by the corporation during the taxable year, over

“(B) the amount which, at the time of filing the application, the corporation estimates as its income tax liability for the taxable year.

“(d) **CONSOLIDATED RETURNS.**—If the corporation seeking an adjustment under this section paid its estimated income tax on a consolidated basis or expects to make a consolidated return for the taxable

Post, p. 264.

“Income tax liability.”

78 Stat. 25.

68A Stat. 320.

26 USC 801-

843.

26 USC 31-48.

year, this section shall apply only to such extent and subject to such conditions, limitations, and exceptions as the Secretary or his delegate may by regulations prescribe."

68A Stat. 825.
26 USC 6655.

(2) AMENDMENT OF SECTION 6655.—Section 6655 is amended by adding at the end thereof the following new subsection:

"(g) EXCESSIVE ADJUSTMENT UNDER SECTION 6425.—

Ante, p. 262.

"(1) ADDITION TO TAX.—If the amount of an adjustment under section 6425 made before the 15th day of the third month following the close of the taxable year is excessive, there shall be added to the tax under chapter 1 for the taxable year an amount determined at the rate of 6 percent per annum upon the excessive amount from the date on which the credit is allowed or the refund is paid to such 15th day.

"(2) EXCESSIVE AMOUNT.—For purposes of paragraph (1), the excessive amount is equal to the amount of the adjustment or (if smaller) the amount by which—

Ante, p. 263.

"(A) the income tax liability (as defined in section 6425 (c)) for the taxable year as shown on the return for the taxable year, exceeds

"(B) the estimated income tax paid during the taxable year, reduced by the amount of the adjustment."

(e) CONFORMING AMENDMENTS.—

78 Stat. 53.

(1) Section 6655(d)(1) is amended by striking out "reduced by \$100,000".

(2) Section 243(b)(3)(C)(v) is amended to read as follows:

Ante, pp. 260,
262.

"(v) surtax exemption, and one amount under sections 6154 (c)(2) and (3) and sections 6655(e)(2) and (3), for purposes of estimated tax payment requirements under section 6154 and the addition to the tax under section 6655 for failure to pay estimated tax."

68A Stat. 740.

(3) Section 6020(b)(1) is amended by striking out "section 6015 or 6016" and inserting in lieu thereof "section 6015".

(4) Section 6651(c) is amended by striking out "or section 6016".

80 Stat. 64.

(5) Section 7203 is amended by striking out "section 6015 or section 6016," and inserting in lieu thereof "section 6015,".

(6) Section 7701(a)(34)(B) is amended by striking out "section 6016(b)" and inserting in lieu thereof "section 6154(c)".

Ante, p. 260.

(7) The table of sections for subpart B of part II of subchapter A of chapter 61 is amended by striking out the item relating to section 6016.

(8) The table of sections for part V of subchapter A of chapter 61 is amended by striking out the item relating to section 6074.

(9) The table of sections for subchapter B of chapter 65 is amended by adding at the end thereof the following:

"Sec. 6425. Adjustment of overpayment of estimated income tax by corporation."

(f) EFFECTIVE DATE.—Except as provided by section 104, the amendments made by this section shall apply with respect to taxable years beginning after December 31, 1967.

SEC. 104. SPECIAL RULES FOR APPLICATION OF SECTIONS 102 AND 103.

(a) PAYMENT OF ESTIMATED TAX FOR TAXABLE YEARS BEGINNING BEFORE DATE OF ENACTMENT.—In determining whether any taxpayer is required to make a declaration or amended declaration of estimated tax, or to pay any amount or additional amount of estimated tax, by reason of the amendments made by sections 102 and 103—

(1) such amendments shall apply (A) in the case of an individual, only if the taxable year ends on or after September 30,

1968, and (B) in the case of a corporation, only if the taxable year ends on or after June 30, 1968,

(2) in applying sections 6015, 6073, and 6654 of the Internal Revenue Code of 1954, such amendments shall first be taken into account as of September 1, 1968, and

(3) in applying sections 6016, 6074, 6154, and 6655 of such Code, such amendments shall first be taken into account as of May 31, 1968.

68A Stat. 737.
26 USC 6015,
6073, 6654.

Ante, pp. 260,
262, 264.

In the case of any amount or additional amount of estimated tax payable, by reason of such amendments, by a corporation on or after June 15, 1968, and before the 15th day after the date of the enactment of this Act, the time prescribed for payment of such amount or additional amount shall not expire before such date (not earlier than the 15th day after the date of the enactment of this Act) as the Secretary of the Treasury or his delegate shall prescribe.

(b) **PAYMENT OF TAX SURCHARGE FOR TAXABLE YEARS ENDING BEFORE DATE OF ENACTMENT.**—In the case of a taxable year ending before the date of the enactment of this Act, the time prescribed for payment of the tax imposed by section 51 of the Internal Revenue Code of 1954 shall not expire before September 15, 1968.

Ante, p. 252.

SEC. 105. CONTINUATION OF EXCISE TAXES ON COMMUNICATION SERVICES AND ON AUTOMOBILES.

(a) PASSENGER AUTOMOBILES.—

(1) **IN GENERAL.**—Subparagraph (A) of section 4061(a)(2) (relating to tax on passenger automobiles, etc.) is amended to read as follows:

80 Stat. 65.

“(A) Articles enumerated in subparagraph (B) are taxable at whichever of the following rates is applicable:

79 Stat. 137.

“If the article
is sold—

	The tax rate is—
Before January 1, 1970.....	7 percent
During 1970.....	5 percent
During 1971.....	3 percent
During 1972.....	1 percent.

The tax imposed by this subsection shall not apply with respect to articles enumerated in subparagraph (B) which are sold by the manufacturer, producer, or importer after December 31, 1972.”

(2) **CONFORMING AMENDMENT.**—Section 6412(a)(1) (relating to floor stocks refunds on passenger automobiles, etc.) is amended by striking out “May 1, 1968, or January 1, 1969,” and inserting in lieu thereof “January 1, 1970, January 1, 1971, January 1, 1972, or January 1, 1973.”

80 Stat. 66;
Ante, p. 92.

(b) COMMUNICATIONS SERVICES.—

(1) **CONTINUATION OF TAX.**—Paragraph (2) of section 4251(a) (relating to tax on certain communications services) is amended to read as follows:

“(2) The rate of tax referred to in paragraph (1) is as follows:

79 Stat. 145.

“Amounts paid pursuant to
bills first rendered—

	Percent—
Before January 1, 1970.....	10
During 1970.....	5
During 1971.....	3
During 1972.....	1.”

(2) **CONFORMING AMENDMENTS.**—Subsection (b) of section 4251 (relating to termination of tax) is amended by striking out “January 1, 1969” and inserting in lieu thereof “January 1, 1973”, and subsection (c) of section 4251 is amended to read as follows:

80 Stat. 66.

“(c) **SPECIAL RULE.**—For purposes of subsections (a) and (b), in the case of communications services rendered before November 1 of a

calendar year for which a bill has not been rendered before the close of such year, a bill shall be treated as having been first rendered on December 31 of such year."

(3) **REPEAL OF SUBCHAPTER B OF CHAPTER 33.**—Effective with respect to amounts paid pursuant to bills first rendered on or after January 1, 1973, subchapter B of chapter 33 (relating to the tax on communications) is repealed. For purposes of the preceding sentence, in the case of communications services rendered before November 1, 1972, for which a bill has not been rendered before January 1, 1973, a bill shall be treated as having been first rendered on December 31, 1972. Effective January 1, 1973, the table of subchapters for chapter 33 is amended by striking out the item relating to such subchapter B.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as of April 30, 1968.

SEC. 106. TIMELY MAILING OF DEPOSITS.

(a) **TIMELY MAILING TREATED AS TIMELY DEPOSIT.**—Section 7502 (relating to timely mailing treated as timely filing and paying) is amended by adding at the end thereof the following new subsection:

"(e) **MAILING OF DEPOSITS.**—

"(1) **DATE OF DEPOSIT.**—If any deposit required to be made (pursuant to regulations prescribed by the Secretary or his delegate under section 6302(c)) on or before a prescribed date is, after such date, delivered by the United States mail to the bank or trust company authorized to receive such deposit, such deposit shall be deemed received by such bank or trust company on the date the deposit was mailed.

"(2) **MAILING REQUIREMENTS.**—Paragraph (1) shall apply only if the person required to make the deposit establishes that—

"(A) the date of mailing falls on or before the second day before the prescribed date for making the deposit (including any extension of time granted for making such deposit), and

"(B) the deposit was, on or before such second day, mailed in the United States in an envelope or other appropriate wrapper, postage prepaid, properly addressed to the bank or trust company authorized to receive such deposit.

In applying subsection (c) for purposes of this subsection, the term 'payment' includes 'deposit', and the reference to the postmark date refers to the date of mailing."

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply only as to mailing occurring after the date of the enactment of this Act.

SEC. 107. INDUSTRIAL DEVELOPMENT BONDS.

(a) **AMENDMENT OF SECTION 103.**—Section 103 (relating to interest on certain governmental obligations) is amended by relettering subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) **INDUSTRIAL DEVELOPMENT BONDS.**—

"(1) **SUBSECTION (a)(1) NOT TO APPLY.**—Except as otherwise provided in this subsection, any industrial development bond shall be treated as an obligation not described in subsection (a)(1).

"(2) **INDUSTRIAL DEVELOPMENT BOND.**—For purposes of this subsection, the term 'industrial development bond' means any obligation—

"(A) which is issued as part of an issue all or a major portion of the proceeds of which are to be used directly or indirectly in any trade or business carried on by any person who

79 Stat. 145.
26 USC 4251-
4254.

80 Stat. 1110.

68A Stat. 775.

"Payment."

68A Stat. 29.

is not an exempt person (within the meaning of paragraph (3)), and

“(B) the payment of the principal or interest on which (under the terms of such obligation or any underlying arrangement) is, in whole or in major part—

“(i) secured by any interest in property used or to be used in a trade or business or in payments in respect of such property, or

“(ii) to be derived from payments in respect of property, or borrowed money, used or to be used in a trade or business.

“(3) EXEMPT PERSON.—For purposes of paragraph (2)(A), the term ‘exempt person’ means—

“(A) a governmental unit, or

“(B) an organization described in section 501(c)(3) and exempt from tax under section 501(a) (but only with respect to a trade or business carried on by such organization which is not an unrelated trade or business, determined by applying section 513(a) to such organization).

68A Stat. 163.
26 USC 501.

“(4) CERTAIN EXEMPT ACTIVITIES.—Paragraph (1) shall not apply to any obligation which is issued as part of an issue substantially all of the proceeds of which are to be used to provide—

“(A) residential real property for family units,

“(B) sports facilities,

“(C) convention or trade show facilities,

“(D) airports, docks, wharves, mass commuting facilities, parking facilities, or storage or training facilities directly related to any of the foregoing,

“(E) sewage or solid waste disposal facilities or facilities for the local furnishing of electric energy, gas, or water, or

“(F) air or water pollution control facilities.

“(5) INDUSTRIAL PARKS.—Paragraph (1) shall not apply to any obligation issued as part of an issue substantially all of the proceeds of which are to be used for the acquisition or development of land as the site for an industrial park. For purposes of the preceding sentence, the term ‘development of land’ includes the provision of water, sewage, drainage, or similar facilities, or of transportation, power, or communication facilities, which are incidental to use of the site as an industrial park, but, except with respect to such facilities, does not include the provision of structures or buildings.

“Development of
land.”

“(6) EXEMPTION FOR CERTAIN SMALL ISSUES.—

“(A) IN GENERAL.—Paragraph (1) shall not apply to any obligation issued as part of an issue the aggregate authorized face amount of which is \$1,000,000 or less and substantially all of the proceeds of which are to be used (i) for the acquisition, construction, reconstruction, or improvement of land or property of a character subject to the allowance for depreciation, or (ii) to redeem part or all of a prior issue which was issued for purposes described in clause (i) or this clause.

“(B) CERTAIN PRIOR ISSUES TAKEN INTO ACCOUNT.—If—

“(i) the proceeds of two or more issues of obligations (whether or not the issuer of each such issue is the same) are or will be used primarily with respect to facilities located in the same incorporated municipality or located in the same county (but not in any incorporated municipality),

“(ii) the principal user of such facilities is or will be the same person or two or more related persons, and

“(iii) but for this subparagraph, subparagraph (A) would apply to each such issue, then, for purposes of subparagraph (A), in determining the aggregate face amount of any later issue there shall be taken into account the face amount of obligations issued under all prior such issues and outstanding at the time of such later issue (not including as outstanding any obligation which is to be redeemed from the proceeds of the later issue).

“(C) RELATED PERSONS.—For purposes of this paragraph and paragraph (7), a person is a related person to another person if—

“(i) the relationship between such persons would result in a disallowance of losses under section 267 or 707(b), or

“(ii) such persons are members of the same controlled group of corporations (as defined in section 1563(a), except that ‘more than 50 percent’ shall be substituted for ‘at least 80 percent’ each place it appears therein).

“(7) EXCEPTION.—Paragraphs (4), (5), and (6) shall not apply with respect to any obligation for any period during which it is held by a person who is a substantial user of the facilities or a related person.”

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided by paragraph (2), the amendment made by subsection (a) shall apply to taxable years ending after April 30, 1968, but only with respect to obligations issued after such date.

(2) TRANSITIONAL PROVISIONS.—Section 103(c)(1) of the Internal Revenue Code of 1954, as amended by subsection (a), shall not apply with respect to any obligation issued before January 1, 1969, if before May 1, 1968—

(A) the issuance of the obligation (or the project in connection with which the proceeds of the obligations are to be used) was authorized or approved by the governing body of the governmental unit issuing the obligation or by the voters of such governmental unit;

(B) in connection with the issuance of such obligation or with the use of the proceeds to be derived from the sale of such obligation or the property to be acquired or improved with such proceeds, a governmental unit has made a significant financial commitment;

(C) any person (other than a governmental unit) who will use the proceeds to be derived from the sale of such obligation or the property to be acquired or improved with such proceeds has expended (or has entered into a binding contract to expend) for purposes which are related to the use of such proceeds or property, an amount equal to or in excess of 20 percent of such proceeds; or

(D) in the case of an obligation issued in conjunction with a project where financial assistance will be provided by a governmental agency concerned with economic development, such agency has approved the project or an application for financial assistance is pending.

SEC. 108. ADVERTISING IN A POLITICAL CONVENTION PROGRAM.

(a) ALLOWANCE OF DEDUCTION.—Section 276 (relating to certain indirect contributions to political parties) is amended by redesignating subsection (c) as (d), and by inserting after subsection (b) the following new subsection:

68A Stat. 78.
26 USC 267.

78 Stat. 120.

80 Stat. 66.

“(c) **ADVERTISING IN A CONVENTION PROGRAM OF A NATIONAL POLITICAL CONVENTION.**—Subsection (a) shall not apply to any amount paid or incurred for advertising in a convention program of a political party distributed in connection with a convention held for the purpose of nominating candidates for the offices of President and Vice President of the United States, if the proceeds from such program are used solely to defray the costs of conducting such convention (or a subsequent convention of such party held for such purpose) and the amount paid or incurred for such advertising is reasonable in light of the business the taxpayer may expect to receive—

“(1) directly as a result of such advertising, or

“(2) as a result of the convention being held in an area in which the taxpayer has a principal place of business.”

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply with respect to amounts paid or incurred on or after January 1, 1968.

SEC. 109. TAX-EXEMPT STATUS OF CERTAIN HOSPITAL SERVICE ORGANIZATIONS.

(a) **EXEMPTION FROM TAX.**—Section 501 (relating to exemption from tax on corporations, etc.) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

68A Stat. 163.
26 USC 501.

“(e) **COOPERATIVE HOSPITAL SERVICE ORGANIZATIONS.**—For purposes of this title, an organization shall be treated as an organization organized and operated exclusively for charitable purposes, if—

“(1) such organization is organized and operated solely—

“(A) to perform, on a centralized basis, one or more of the following services which, if performed on its own behalf by a hospital which is an organization described in subsection (c) (3) and exempt from taxation under subsection (a), would constitute activities in exercising or performing the purpose or function constituting the basis for its exemption: data processing, purchasing, warehousing, billing and collection, food, industrial engineering, laboratory, printing, communications, record center, and personnel (including selection, testing, training, and education of personnel) services; and

“(B) to perform such services solely for two or more hospitals each of which is—

“(i) an organization described in subsection (c) (3) which is exempt from taxation under subsection (a),

“(ii) a constituent part of an organization described in subsection (c) (3) which is exempt from taxation under subsection (a) and which, if organized and operated as a separate entity, would constitute an organization described in subsection (c) (3), or

“(iii) owned and operated by the United States, a State, the District of Columbia, or a possession of the United States, or a political subdivision or an agency or instrumentality of any of the foregoing;

“(2) such organization is organized and operated on a cooperative basis and allocates or pays, within 8½ months after the close of its taxable year, all net earnings to patrons on the basis of services performed for them; and

“(3) if such organization has capital stock, all of such stock outstanding is owned by its patrons.

For purposes of this title, any organization which, by reason of the preceding sentence, is an organization described in subsection (c) (3) and exempt from taxation under subsection (a), shall be treated as a hospital and as an organization referred to in section 503(b) (5).”

68A Stat. 166.
26 USC 503.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 110. SUBMISSION OF PROPOSALS FOR TAX REFORM.

Not later than December 31, 1968, the President shall submit to the Congress proposals for a comprehensive reform of the Internal Revenue Code of 1954.

TITLE II—EXPENDITURE AND RELATED CONTROLS

SEC. 201. LIMITATION ON THE NUMBER OF CIVILIAN OFFICERS AND EMPLOYEES IN THE EXECUTIVE BRANCH.

(a) Except as otherwise provided in this section—

(1) No person shall be appointed as a full-time civilian employee to a permanent position in the executive branch during any month when the number of such employees is greater than the number of such employees on June 30, 1966.

(2) The number of temporary and part-time employees in any department or agency in the executive branch during any month shall not be greater than the number of such employees during the corresponding month of 1967.

Vacancies.

(b) (1) During any period when appointments are otherwise prohibited under subsection (a) (1), the head of any department or agency may, except as otherwise provided in this subsection, appoint a number of persons as full-time civilian employees in permanent positions in such department or agency equal to 75 percent of the number of vacancies in such positions which have occurred during such period by reason of resignation, retirement, removal, or death.

(2) For purposes of paragraph (1), all agencies which, on the first day of any period when appointments are otherwise prohibited under subsection (a) (1), have 50 or fewer full-time civilian employees in permanent positions shall be treated as one agency, and the Director of the Bureau of the Budget (hereinafter in this section referred to as the “Director”) shall determine the vacancies in each such agency which may be filled by reason of paragraph (1).

(3) For purposes of paragraph (1), the Director may reassign vacancies from one department or agency to another department or agency when such reassignment is, in the opinion of the Director, necessary or appropriate because of the creation of a new department or agency, because of a change in functions, or for the more efficient operation of the Government.

Transfers.

(4) If a full-time civilian employee in a permanent position is transferred from one department or agency to another department or agency—

(A) such transfer shall be taken into account under paragraph (1) as an appointment by the head of the department or agency to which he transfers, and

(B) subsection (a)(1) shall not apply to an appointment to the vacancy in the department or agency from which he transferred and such vacancy shall not be taken into account under paragraph (1).

(c) For purposes of subsection (a)(2), the Director may reassign authorized temporary and part-time employment from one department or agency to another department or agency when such reassignment is, in the opinion of the Director, necessary or appropriate because of the creation of a new department or agency, because of a change in functions, or for the more efficient operation of the Government.

(d) For purposes of this section, there shall not be taken into account—

Exceptions.

(1) any position filled by appointment by the President by and with the advice and consent of the Senate, other than for purposes of determining under subsection (a)(1) the number of full-time civilian employees in permanent positions in the executive branch at any time,

(2) casual employees or employees serving without compensation, and

(3) those employees (not exceeding 70,000 during any month) appointed under the President's program to provide summer employment for economically or educationally disadvantaged persons between the ages of 16 and 22.

(e) The Director shall maintain a continuous study of all appropriations and contract authorizations in relation to personnel employed and shall reserve from expenditure the savings in salaries and wages resulting from the operation of this section, and any savings in other categories of expense which he determines will result from such operation.

(f) The departments and agencies in the executive branch shall submit to the Director such information as may be necessary to enable him to carry out his functions under this section.

(g) The Director shall submit to the Senate and the House of Representatives at the end of each calendar quarter, beginning with the quarter ending September 30, 1968, a report on the operation of this section.

Report to Congress.

(h) Nothing in this section shall supersede or modify the reemployment rights of any person under section 9 of the Military Selective Service Act of 1967 or any other provision of law conferring reemployment rights upon persons who have performed active duty in the Armed Forces.

Armed Forces.
Reemployment rights.
62 Stat. 614.
50 USC app. 459.

(i) The Director shall prescribe such regulations as he deems necessary or appropriate to carry out the provisions of this section.

(j) This section (other than subsection (i)) shall take effect on the first day of the first month which begins after the date of the enactment of this Act.

Effective date.

SEC. 202. REDUCTION OF \$6 BILLION IN EXPENDITURES DURING FISCAL YEAR 1969.

(a) Expenditures and net lending during the fiscal year ending June 30, 1969, under the Budget of the United States Government (estimated on page 55 of House Document No. 225, Part 1, 90th Congress, as totaling \$186,062,000,000), shall not exceed \$180,062,000,000, except by expenditures and net lending—

Exceptions.

(1) which the President may determine are necessary for special support of Vietnam operations in excess of the amounts estimated therefor in the Budget,

Vietnam operations.

(2) for interest in excess of the amounts estimated therefor in the Budget,

Interest.

Veterans' benefits.

Social Security Act trust funds.

(3) for veterans' benefits and services in excess of the amounts estimated therefor in the Budget, and

(4) for payments from trust funds established by the Social Security Act, as amended, in excess of the amounts estimated therefor in the Budget.

(b) The President shall reserve from expenditure and net lending, from appropriations or other obligational authority heretofore or hereafter made available, such amounts as may be necessary to effectuate the provisions of subsection (a).

SEC. 203. REDUCTION OF \$10 BILLION IN NEW OBLIGATIONAL AUTHORITY.

(a) The total new obligational authority and loan authority for the fiscal year ending June 30, 1969, provided by law heretofore or hereafter enacted (estimated on page 55 of House Document No. 225, Part 1, 90th Congress, as \$201,723,000,000) shall not exceed \$191,723,000,000, except for new obligational authority and loan authority—

Exceptions.

Vietnam operations.

(1) which the President may determine are necessary for special support of Vietnam operations in excess of the amounts estimated therefor in the Budget,

Interest.

(2) for interest in excess of the amounts estimated therefor in the Budget,

Veterans' benefits.

(3) for veterans' benefits and services in excess of the amounts estimated therefor in the Budget, and

Social Security Act trust funds.

(4) for payments from trust funds established by the Social Security Act, as amended, in excess of the amounts estimated therefor in the Budget.

Reserves.

(b) In the event that the total amount of new obligational authority and loan authority for the fiscal year ending June 30, 1969, exceeds the limitation prescribed by subsection (a), the President shall reserve from such obligational and loan authority such amounts as may be necessary to effectuate the provisions of subsection (a). The amounts so reserved (other than any amounts reserved from trust funds) are hereby rescinded as of the close of June 30, 1969. The President, at the time of the submission of the Budget for the fiscal year ending June 30, 1970, shall make a report to the Congress identifying the amounts reserved pursuant to this paragraph.

Report to Congress.

SEC. 204. SPECIFIC RECOMMENDATIONS FOR \$8 BILLION RESCISSION IN OLD OBLIGATIONAL AUTHORITY.

The President shall cause a special study and analysis to be made of unobligated balances of appropriations and other obligational and loan authority available for obligation or commitment during the fiscal year ending June 30, 1969, which will remain available for obligation or commitment after June 30, 1969, and make a report thereon to the Congress. Such report shall be made at the time of the submission of the Budget for the fiscal year ending June 30, 1970, and shall include specific recommendations for legislation to rescind not less than \$8,000,000,000 of such unobligated balances.

Report to Congress.

SEC. 205. APPLICATION OF CERTAIN FORMULAS.

In the administration of any program as to which—

(1) the amount of expenditures or obligations is limited pursuant to section 202 or 203, and

(2) the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution,

the amount available for expenditure or obligation (as determined by the President) shall be substituted for the amount appropriated or otherwise made available in the application of the formula.

TITLE III—SOCIAL SECURITY ACT AMENDMENTS**SEC. 301. LIMITATION ON NUMBER OF CHILDREN WITH RESPECT TO WHOM FEDERAL PAYMENTS MAY BE MADE UNDER PROGRAM OF AID TO FAMILIES WITH DEPENDENT CHILDREN.**

Subsection (d) of section 403 of the Social Security Act is amended (1) by inserting "(1)" immediately after "(d)", (2) by inserting "(except the succeeding paragraphs of this subsection)" immediately after "Act", (3) by striking out "June 30, 1968" and inserting in lieu thereof "June 30, 1969", and (4) by adding at the end of such subsection the following new paragraphs:

81 Stat. 894.
42 USC 603.

"(2) In the case of any State which is determined by the Secretary to have effectuated, in compliance with or in reliance upon or in consideration of a judicial decision (as defined in paragraph (3)), a policy of providing aid to families with dependent children under its State plan approved under this part to or on behalf of individuals who, except for such policy, would not be eligible for such aid, the average monthly number of dependent children under the age of 18 who have been deprived of parental support or care by reason of the continued absence from the home of a parent with respect to whom payments under this section were made to the State for the calendar quarter beginning January 1, 1968, shall, for purposes of applying the provisions of paragraph (1), be increased by the average monthly number, in the calendar quarter beginning April 1, 1969, of children under the age of 18 who are deprived of parental support or care by reason of the continued absence from the home of a parent and who by reason of such policy began to receive such aid after March 1968 and received such aid during the calendar quarter beginning April 1, 1969.

"(3) As used in paragraph (2), the term 'judicial decision' means any decision by a court of the United States of competent jurisdiction in any case or controversy in which there is decided the issue of the validity, under the United States Constitution, of any law, rule, regulation, or policy of a State under which aid to families with dependent children is denied to individuals otherwise eligible therefor because of failure to meet duration of residence requirements or because of the relationship between a male individual and the mother of the child or children with respect to whom such aid is sought."

"Judicial decision."

SEC. 302. AID TO FAMILIES WITH DEPENDENT CHILDREN IN CASE OF UNEMPLOYED FATHERS RECEIVING UNEMPLOYMENT COMPENSATION.

Section 407(b) (2) (C) of the Social Security Act is amended to read as follows:

81 Stat. 883.
42 USC 607.

"(C) for the denial of aid to families with dependent children to any child or relative specified in subsection (a)—

"(i) if, and for so long as, such child's father is not currently registered with the public employment offices in the State, and

"(ii) with respect to any week for which such child's father receives unemployment compensation under an unemployment compensation law of a State or of the United States."

SEC. 303. FEDERAL PAYMENTS UNDER MEDICAL ASSISTANCE PROGRAM FOR CERTAIN SERVICES INCLUDIBLE UNDER SUPPLEMENTARY MEDICAL INSURANCE PROGRAM.

81 Stat. 901.
42 USC 1396b.
42 USC 1396b
note.

Effective date.

(a) (1) Section 1903(b) (2) of the Social Security Act is amended by striking out "1967" and inserting in lieu thereof "1969".

(2) Section 222(d) of the Social Security Amendments of 1967 is amended by striking out "1967" and inserting in lieu thereof "1969".

(b) The amendments made by subsection (a) shall be effective with respect to calendar quarters beginning after December 31, 1967.

Approved June 28, 1968, 4:02 p.m.

Public Law 90-365

AN ACT

June 29, 1968
[H. R. 6157]

To amend section 3620 of the Revised Statutes with respect to payroll deductions for Federal employees.

Federal employ-
ees.
Payroll deduc-
tions.
79 Stat. 582.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsections (b) and (c) of section 3620 of the Revised Statutes, as amended (31 U.S.C. 492), are amended to read as follows:

"(b) (1) Notwithstanding subsection (a) of this section or any other provision of law, and under regulations to be prescribed by the Secretary of the Treasury, the head of an agency shall, upon the written request of an employee of the agency to whom a payment for wages or salary is to be made, authorize a disbursing officer to make the payment in the form of one, two, or three checks (the number of checks and the amount of each, if more than one, to be designated by such employee) by sending to each financial organization designated by such employee a check that is drawn in favor of the organization and is for credit to the checking account of such employee or is for the deposit of savings or purchase of shares for such employee: *Provided*, That the agency shall not be reimbursed for the cost of sending one check requested by such employee but shall be reimbursed for the additional cost of sending any additional check requested by such employee by the financial organization to which such check is sent. For the purposes of the foregoing proviso, the check for which the agency shall not be reimbursed shall be the check in the largest amount.

"(2) If more than one employee to whom a payment is to be made designates the same financial organization, the head of an agency may, upon the written request of such employee and under regulations to be prescribed by the Secretary of the Treasury, authorize a disbursing officer to make the payment by sending to the organization a check that is drawn in favor of the organization for the total amount designated by those employees and by specifying the amount to be credited to the account of each of those employees.

"(3) In this subsection, the term 'agency' means any department, agency, independent establishment, board, office, commission, or other establishment in the executive, legislative (except the Senate and House of Representatives), or judicial branch of the Government, any wholly owned or controlled Government corporation, and the municipal government of the District of Columbia; and the term 'financial organization' means any bank, savings bank, savings and loan association or similar institution, or Federal or State chartered credit union.

"(c) Payment by the United States in the form of more than one check, drawn in accordance with subsection (b) and properly endorsed, shall constitute a full acquittance for the amount due to the employee requesting payment."

Approved June 29, 1968.

Definitions.

Public Law 90-366

JOINT RESOLUTION

Making continuing appropriations for the fiscal year 1969, and for other purposes.

June 29, 1968
[H. J. Res. 1368]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1969, namely:

Continuing appropriations, 1969.

SEC. 101. (a) (1) Such amounts as may be necessary for continuing projects or activities (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1968 and for which appropriations, funds, or other authority would be available in the following appropriation Acts for the fiscal year 1969:

Department of Agriculture and Related Agencies Appropriation Act;

Independent Offices and Department of Housing and Urban Development Appropriation Act;

Department of the Interior and Related Agencies Appropriation Act;

Public Works for Water and Power Resources Development and Atomic Energy Commission Appropriation Act;

Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act;

Departments of Labor, and Health, Education, and Welfare Appropriation Act; and

Legislative Branch Appropriation Act.

(2) Appropriations made by this subsection shall be available to the extent and in the manner which would be provided by the pertinent appropriation Act.

(3) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this subsection as passed by the House is different from that which would be available or granted under such Act as passed by the Senate, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority.

(4) Whenever an Act listed in this subsection has been passed by only one House or where an item is included in only one version of an Act as passed by both Houses, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower: *Provided*, That no provision which is included in an appropriation Act enumerated in this subsection but which was not included in the applicable appropriation Act for 1968, and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution unless such provision shall have been included in identical form in such bill as passed by both the House and Senate.

(b) Such amounts as may be necessary for continuing projects or activities which were conducted in the fiscal year 1968 and are listed in this subsection at a rate for operations not in excess of the current rate or the rate provided for in the budget estimate, whichever is lower, and under the more restrictive authority:

81 Stat. 231.

Activities for which provision was made in the Department of Defense Appropriation Act, 1968;

81 Stat. 435.

Activities for which provision was made in the District of Columbia Appropriation Act, 1968;

81 Stat. 936.

Activities for which provision was made in the Foreign Assistance and Related Agencies Appropriation Act, 1968;

81 Stat. 550.

Activities for which provision was made in the Military Construction Appropriation Act, 1968;

81 Stat. 311.

Activities for which provision was made in the Department of Transportation Appropriation Act, 1968;

79 Stat. 1219.

Activities under the Higher Education Act of 1965;

20 USC 1001

note.

Activities under the National Defense Education Act of 1958, as amended;

72 Stat. 1580.

20 USC 401

note.

Activities of the Department of Health, Education, and Welfare under the Mutual Educational and Cultural Exchange Act of 1961;

75 Stat. 527.

22 USC 2451

note.

42 USC 2751.

Activities (grants for college work-study program) under part C, title I of the Economic Opportunity Act of 1964, as amended;

74 Stat. 525;

Ante, p. 241.

Activities (grants for land-grant colleges) under section 22 of the Act of June 29, 1935, as amended (7 U.S.C. 329);

77 Stat. 363.

20 USC 701

note.

Activities under the Higher Education Facilities Act of 1963, as amended;

Activities, other than grants, of the domestic agricultural migratory workers health program of the Public Health Service, Department of Health, Education, and Welfare;

Activities, other than grants, related to regional medical programs of the Public Health Service, Department of Health, Education, and Welfare;

68 Stat. 652.

29 USC 31 note.

Activities under sections 3, 4, 7, 12, and 13 of the Vocational Rehabilitation Act, as amended;

79 Stat. 845.

42 USC 951

note.

Activities under the National Foundation on the Arts and the Humanities Act of 1965; and

Activities under the appropriations for "Ship construction" and "Research and development", Maritime Administration, Department of Commerce.

(c) Such amounts as may be necessary for continuing projects or activities for which disbursements are made by the Secretary of the Senate, and the Senate items under the Architect of the Capitol, to the extent and in the manner which would be provided for in the budget estimates for the fiscal year 1969.

(d) Such amounts as may be necessary for continuing activities under sections 104 and 105 of the Manpower Development and Training Act, but at a rate for operations not in excess of the current rate.

79 Stat. 75;

80 Stat. 1434.

42 USC 2572b,

2572c.

Sec. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall remain available until

(a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) July 31, 1968, whichever first occurs.

Sec. 103. Appropriations and funds made available or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in subsection (d) (2) of section 3679 of the Revised Statutes, as amended, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds or to permit the use, including the expenditure, of appropriations, funds or authority in any manner which would contravene the provisions of title II of the Revenue and Expenditure Control Act of 1968.

31 USC 665.

Ante, p. 270.

SEC. 104. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 105. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 106. No appropriation or fund made available or authority granted pursuant to this joint resolution shall be used to initiate or resume any project or activity which was not being conducted during the fiscal year 1968.

Approved June 29, 1968.

Public Law 90-367

AN ACT

June 29, 1968
[S. 1028]

To amend title 5, United States Code, to extend certain benefits to former employees of county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5334 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

Former ASCS
employees.
Extension of
benefits.
80 Stat. 468.

“(f) An employee of a county committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) may upon appointment to a position under the Department of Agriculture, subject to this subchapter, have his initial rate of basic pay fixed at the minimum rate of the appropriate grade, or at any step of such grade that does not exceed the highest previous rate of basic pay received by him during service with such county committee.”

52 Stat. 31;
81 Stat. 633.

SEC. 2. (a) Subchapter I of chapter 63 of title 5, United States Code, is amended by adding at the end thereof the following new section:

Leave.
80 Stat. 517.
5 USC 6301-
6311.

“§ 6312. Accrual and accumulation for former ASCS county office employees

“Service rendered as an employee of a county committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)), or of a committee or an association of producers described in section 10(b) of the Agricultural Adjustment Act of May 12, 1933 (48 Stat. 37), shall be included in determining years of service for the purpose of section 6303(a) of this title in the case of any officer or employee in or under the Department of Agriculture. The provisions of section 6308 of this title for transfer of annual and sick leave between leave systems shall apply to the leave system established for such employees.”

49 Stat. 767;
61 Stat. 709.
7 USC 610.

(b) The analysis of chapter 63 of title 5, United States Code, is amended by adding the following new item immediately after item 6311:

“6312. Accrual and accumulation for former ASCS county office employees.”

Order of retention.
80 Stat. 428.

SEC. 3. The second sentence of section 3502(a) of title 5, United States Code, is amended—

- (1) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof a semicolon and the word “and”; and
- (2) by adding after subparagraph (B) the following new subparagraph:

“(C) who is an employee in or under the Department of Agriculture is entitled to credit for service rendered as an employee of a county committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)), or of a committee or an association of producers described in section 10(b) of the Agricultural Adjustment Act of May 12, 1933 (48 Stat. 37).”

49 Stat. 767;
61 Stat. 709.
7 USC 610.
Superintendent
of Garages, compensation.

SEC. 4. Effective as of the beginning of the first applicable pay period which began on or after October 1, 1967, the per annum (gross) rate of compensation of the position of Superintendent of Garages (House Office Buildings) under the Architect of the Capitol is \$12,540. Such position is subject to the provisions, pertaining to the Office of the Architect of the Capitol, in section 212 of the Federal Salary Act of 1967 (81 Stat. 634; Public Law 90-206), relating to the implementation of salary comparability policy.

5 USC 5304
note.

Approved June 29, 1968.

Public Law 90-368

June 29, 1968
[S. J. Res. 180]

JOINT RESOLUTION

To provide franked mail privileges for surviving spouses of Members of Congress.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 57 of title 39, United States Code, is amended—

- (1) by adding at the end thereof the following new section:

“§ 4171. Franked mail for surviving spouses of Members of Congress.

“Upon the death of a Member of Congress during his term of office, the surviving spouse of such Member may send, for a period not to exceed one hundred and eighty days after his death, as franked mail, correspondence relating to the death of the Member.”;

- (2) by inserting after “4161–4167” in the definition “Frank” in section 4151 the phrase “and 4171”;

- (3) by inserting before “shall be paid” in section 4167 (a) the phrase “and postage on correspondence sent by the surviving spouse of a Member under section 4171 of this title,”; and

- (4) by inserting at the end of the analysis thereof, immediately preceding section 4151 of such title, the following new item:

“4171. Franked mail for surviving spouses of Members of Congress.”

Approved June 29, 1968.

Members of
Congress.
Surviving
spouses, franking
privileges.
74 Stat. 660;
79 Stat. 1163;
81 Stat. 622.
39 USC 4151-
4170.

Public Law 90-369

AN ACT

June 29, 1968
[H. R. 10135]

To provide for the expeditious naturalization of the surviving spouse of a United States citizen who dies while serving in an active duty status in the Armed Forces of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 319 of the Immigration and Nationality Act (8 U.S.C. 1430; 66 Stat. 244) is amended by adding at the end thereof the following additional subsection:

Immigration and
Nationality Act,
amendment.
81 Stat. 661.

“(d) Any person who is the surviving spouse of a United States citizen, whose citizen spouse dies during a period of honorable service in an active duty status in the Armed Forces of the United States and who was living in marital union with the citizen spouse at the time of his death, may be naturalized upon compliance with all the requirements of this title except that no prior residence or specified physical presence within the United States, or within the jurisdiction of the naturalization court shall be required.”

Surviving spouse
of Armed Forces
member.

Approved June 29, 1968.

Public Law 90-370

AN ACT

July 1, 1968
[H. R. 17268]

To amend the Defense Production Act of 1950, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 717(a) of the Defense Production Act of 1950 is amended by striking out “June 30, 1968” in the first sentence and inserting in lieu thereof “June 30, 1970”.

Defense Produc-
tion Act, exten-
sion.
65 Stat. 144;
80 Stat. 235.
50 USC app.
2166.
50 USC app.
2162.

SEC. 2. Section 712(e) of the Defense Production Act of 1950 is amended by striking out “\$85,000” and inserting in lieu thereof “\$100,000”.

SEC. 3. Title VII of the Defense Production Act of 1950 is amended by adding at the end thereof the following new section:

Uniform cost
accounting stand-
ards, feasibility
study.

“SEC. 718. The Comptroller General, in cooperation with the Secretary of Defense and the Director of the Bureau of the Budget, shall undertake a study to determine the feasibility of applying uniform cost accounting standards to be used in all negotiated prime contract and subcontract defense procurements of \$100,000 or more. In carrying out such study the Comptroller General shall consult with representatives of the accounting profession and with representatives of that segment of American industry which is actively engaged in defense contracting. The results of such study shall be reported to the Committees on Banking and Currency and the Committees on Armed Services of the Senate and House of Representatives at the earliest practicable date, but in no event later than eighteen months after the date of enactment of this section.”

Reports to con-
gressional com-
mittees.

Approved July 1, 1968.

Public Law 90-371

July 1, 1968
[H. R. 15216]

AN ACT

To authorize the Bureau of Prisons to assist State and local governments in the improvement of their correctional systems.

Bureau of
Prisons.
Assistance to
State and local
governments.
62 Stat. 849.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4042 of title 18, United States Code, is amended by striking out the period and inserting a semicolon and by adding the following at the end of the first paragraph:

“(4) Provide technical assistance to State and local governments in the improvement of their correctional systems.”

Approved July 1, 1968.

Public Law 90-372

July 2, 1968
[S. 3363]

AN ACT

To name the United States customhouse, Providence, Rhode Island, the “John E. Fogarty Federal Building”.

John E. Fogarty
Federal Building.
Designation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States customhouse, Providence, Rhode Island, shall, from and after the date of enactment of this Act, be known and designated as the “John E. Fogarty Federal Building”. Any reference in a law, map, regulation, document, record, or other paper of the United States to such United States customhouse shall be held to be a reference to the “John E. Fogarty Federal Building”.

Approved July 2, 1968.

Public Law 90-373

July 3, 1968
[H. R. 15856]

AN ACT

To authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes.

National Aero-
nautics and Space
Administration
Authorization Act,
1969.
Research and
development.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration:

(a) For “Research and development,” for the following programs:

- (1) Apollo, \$2,025,000,000;
- (2) Apollo applications, \$253,200,000;
- (3) Advanced missions, \$2,500,000;
- (4) Physics and astronomy, \$136,900,000;
- (5) Lunar and planetary exploration, \$92,300,000;
- (6) Bioscience, \$33,000,000;
- (7) Space applications, \$98,700,000;
- (8) Launch vehicle procurement, \$115,700,000;
- (9) Sustaining university program, \$9,000,000;
- (10) Space vehicle systems, \$31,800,000;
- (11) Electronics systems, \$35,500,000;
- (12) Human factor systems, \$19,700,000;
- (13) Basic research, \$21,000,000;
- (14) Space power and electric propulsion systems, \$42,300,000;
- (15) Nuclear rockets, \$55,000,000;

- (16) Chemical propulsion, \$30,200,000;
- (17) Aeronautical vehicles, \$74,900,000;
- (18) Tracking and data acquisition, \$289,800,000;
- (19) Technology utilization, \$3,800,000.

(b) For "Construction of facilities," including land acquisitions, as follows: Construction of facilities.

- (1) Ames Research Center, Moffett Field, California, \$386,000;
- (2) John F. Kennedy Space Center, NASA, Kennedy Space Center, Florida, \$12,109,000;
- (3) Manned Spacecraft Center, Houston, Texas, \$1,500,000;
- (4) Michoud Assembly Facility, New Orleans and Slidell, Louisiana, \$400,000;
- (5) Wallops Station, Wallops Island, Virginia, \$500,000;
- (6) Various locations, \$23,705,000;
- (7) Facility planning and design not otherwise provided for, \$1,000,000.

(c) For "Administrative operations," \$603,173,000.

Administrative expenses.
Program specifications.

(d) Appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used for construction of any major facility, the estimated cost of which, including collateral equipment, exceeds \$250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate of the nature, location, and estimated cost of such facility.

Notice to congressional committees.

(e) When so specified in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Administrative operations" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed \$35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

Scientific consultations.

(g) No part of the funds appropriated pursuant to subsection 1(c) for maintenance, repairs, alterations, and minor construction shall be used for the construction of any new facility the estimated cost of which, including collateral equipment, exceeds \$100,000.

(h) No part of the funds appropriated pursuant to subsection (a) of this section may be used for grants to any nonprofit institution of higher learning unless the Administrator or his designee determines at the time of the grant that recruiting personnel of any of the Armed

Restriction.

Forces of the United States are not being barred from the premises or property of such institution except that this subsection shall not apply if the Administrator or his designee determines that the grant is a continuation or renewal of a previous grant to such institution which is likely to make a significant contribution to the aeronautical and space activities of the United States. The Secretary of Defense shall furnish to the Administrator or his designee within sixty days after the date of enactment of this Act and each January 30 and June 30 thereafter the names of any nonprofit institutions of higher learning which the Secretary of Defense determines on the date of each such report are barring such recruiting personnel from premises or property of any such institution.

Report to Administrator.

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1), (2), (3), (4), (5), and (6) of subsection 1(b) may, in the discretion of the Administrator of the National Aeronautics and Space Administration, be varied upward 5 per centum to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

Transfer of funds.

SEC. 3. Not to exceed one-half of 1 per centum of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with \$10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (7) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Report to congressional committees.

Use of funds, restrictions.

SEC. 4. Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Astronautics or the Senate Committee on Aeronautical and Space Sciences,

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for

that particular program by sections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of thirty days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Notice to congressional committees.

SEC. 5. (a) No part of the funds appropriated pursuant to this Act shall be available for the payment of any salary of an individual convicted by any Federal, State, or local court of competent jurisdiction of—

Salary payments to convicted rioters, prohibition.

(1) inciting a riot or civil disorder;

(2) organizing, promoting, encouraging, or participating in a riot or civil disorder;

(3) aiding or abetting any person in committing any offense specified in clause (1) or (2); or

(4) any offense determined by the Administrator of the National Aeronautics and Space Administration to have been committed in furtherance of, or while participating in, a riot or civil disorder; if the offense for which he is convicted is a felony. Any such individual holding a position in the National Aeronautics and Space Administration on the date his conviction becomes final shall be removed from such position.

(b) For the purposes of this section, "felony" means any offense for which imprisonment is authorized for a term exceeding one year.

"Felony."

(c) The provisions of subsection (a) shall apply only with respect to acts referred to in clauses (1)–(4) which are committed after the date of enactment of this Act.

Applicability.

SEC. 6. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

Funds, geographical distribution.

SEC. 7. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1969".

Short title.

Approved July 3, 1968.

Public Law 90-374

AN ACT

To amend title 10, United States Code, to increase the number of congressional alternates authorized to be nominated for each vacancy at the Military, Naval, and Air Force Academies.

July 5, 1968
[H. R. 13593]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 4342(a) (last sentence), 6954(a) (last sentence), 6956(a), and 9342(a) (last sentence) of title 10, United States Code, are each amended by striking out "five" and inserting in place thereof "nine".

Armed Forces Academies.
Alternates, increase.
78 Stat. 148-151.

Approved July 5, 1968.

Public Law 90-375

July 5, 1968

[H. R. 14907]

AN ACT

To amend the Federal Credit Union Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The Federal Credit Union Act (12 U.S.C., chapter 14) is amended as follows:

(1) Section 8(5) is amended by changing "loans with maturities not exceeding five years" to read "unsecured loans with maturities not exceeding five years, and secured loans with maturities not exceeding ten years,".

(2) Section 8(8) is amended by striking "or" immediately before "(F)" and by adding at the end thereof: "(G) in shares or deposits of any central credit union in which such investments are specifically authorized by the board of directors of the Federal credit union making the investment;".

(3) Section 8 is amended by redesignating paragraph (14) as paragraph (15), by striking out "and" at the end of paragraph (13), and by inserting immediately after paragraph (13):

"(14) in accordance with rules and regulations prescribed by the Director, to purchase from any liquidating credit union notes made by individual members of the liquidating credit union at such prices as may be agreed upon by the board of directors of the liquidating credit union and the board of directors of the purchasing credit union, but no purchase may be made under authority of this paragraph if, upon the making of that purchase, the aggregate of the unpaid balances of notes purchased under authority of this paragraph would exceed 5 per centum of the unimpaired capital and surplus of the credit union; and".

(4) The fourth sentence of section 14 is amended by changing "the purchase and sale of securities or the making of loans to other credit unions, or both" to read "the purchase and sale of securities, the borrowing of funds, and the making of loans to other credit unions".

(5) Section 15 is amended by striking the next to last sentence and inserting the following new sentences: "No loan which is not adequately secured may be made to any member, if, upon the making of that loan, the member would be indebted to the Federal credit union upon loans made to him in an aggregate amount which, in the case of a credit union whose unimpaired capital and surplus is less than \$8,000, would exceed \$200, or which, in the case of any other credit union, would exceed \$2,500 or 2½ per centum of its unimpaired capital and surplus, whichever is less. No loan may be made to any member if, upon the making of that loan, the member would be indebted to the Federal credit union upon loans made to him in an aggregate amount which would exceed \$200 or 10 per centum of the credit union's unimpaired capital and surplus, whichever is greater."

(6) The first sentence of section 16 is amended to read as follows: "The supervisory committee shall make or cause to be made a semi-annual audit and shall submit a report of that audit to the board of directors and a summary of the report to the members at the next annual meeting of the credit union; shall make or cause to be made such supplementary audits as it deems necessary or as may be ordered by the Director, and submit reports of the supplementary audits to the board of directors; may by a unanimous vote suspend any officer

Federal Credit
Union Act, amend-
ments.

73 Stat. 628.
12 USC 1757.

Purchase of
liquidating notes.

Borrowing au-
thority.
12 USC 1761b.

Unsecured loan
limit.
12 USC 1761c.

Supervisory com-
mittee audit.
12 USC 1761d.

of the credit union or any member of the credit committee or of the board of directors, until the next members' meeting, which shall be held not less than seven nor more than fourteen days after any such suspension, at which meeting any such suspension shall be acted upon by the members; and may call by a majority vote a special meeting of the members to consider any violation of this Act, the charter, or the bylaws, or any practice of the credit union deemed by the supervisory committee to be unsafe or unauthorized."

(7) The second sentence of section 16 is amended by inserting "a majority vote of" immediately before "the board of directors".

73 Stat. 634.
12 USC 1761d.

SEC. 2. (a) Section 21(f) of the Federal Credit Union Act (12 U.S.C. 1766(f)) is amended by inserting "(1)" after "(f)", and by adding at the end thereof the following:

Consumer coun-
selling.

"(2)(A) The Director is authorized to conduct directly, or to make grants to or contracts with colleges or universities, State or local educational agencies, or other appropriate public or private nonprofit organizations to conduct, programs for the training of persons engaged, or preparing to engage, in the operation of credit unions, and in related consumer counseling programs, serving the poor. He is authorized to establish a program of experimental, developmental, demonstration, and pilot projects, either directly or by grants to public or private nonprofit organizations, including credit unions, or by contracts with such organizations or other private organizations, designed to promote more effective operation of credit unions, and related consumer counseling programs, serving the poor.

"(B) In carrying out his authority under this paragraph, the Director shall consult with officials of the Office of Economic Opportunity and other appropriate Federal agencies responsible for the administration of projects or programs concerned with problems of the poor. The development and operation of programs and projects under this paragraph shall involve maximum feasible participation of residents of the areas and members of the groups served by such programs and projects, with community action agencies established under the provisions of the Economic Opportunity Act of 1964 serving, to the extent feasible, as the means through which such participation is achieved.

78 Stat. 508.
42 USC 2701
note.
Appropriations.
12 USC 1755,
1756.

"(C) In order to carry out the purposes of this paragraph, there is authorized to be appropriated, as a supplement to any funds that may be expended by the Director pursuant to sections 6 and 7 for such purposes, not to exceed \$300,000 for the fiscal year ending June 30, 1970, and not to exceed \$1,000,000 for the fiscal year ending June 30, 1971."

(b) The amendments made by subsection (a) shall become effective July 1, 1968.

Effective date.

SEC. 3. The Federal Credit Union Act is amended by adding at the end thereof the following new section:

"GIFTS

"SEC. 28. The Director is authorized to accept gifts of money made unconditionally by will or otherwise for the carrying out of any of the functions under this Act. A conditional gift of money made by will or otherwise for such purposes may be accepted and used in accordance with its conditions, but no such gift shall be accepted which is conditioned upon any expenditure not to be met therefrom or from income thereof unless the Director determines that supplementation of such gift from the fees he may expend pursuant to sections 6 and 7 or from

Ante, p. 285.

12 USC 1755.

any funds appropriated pursuant to section 21(f)(2)(C) for the purpose of making such expenditure will not adversely affect the sound administration of this Act. Any such gift shall be deposited in the Treasury of the United States for the account of the Bureau and may be expended in accordance with section 6 or as provided in the preceding sentence."

Approved July 5, 1968.

Public Law 90-376

July 5, 1968
[S. 3159]

AN ACT

Authorizing the Trustees of the National Gallery of Art to construct a building or buildings on the site bounded by Fourth Street, Pennsylvania Avenue, Third Street, and Madison Drive Northwest, in the District of Columbia, and making provision for the maintenance thereof.

National Gallery
of Art.
Additional
building.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Trustees of the National Gallery of Art are authorized to construct within the area reserved as a site for future additions by the third sentence of the first section of the joint resolution entitled "Joint Resolution providing for the construction and maintenance of a National Gallery of Art", approved March 24, 1937 (50 Stat. 51; 20 U.S.C. 71 et seq.) one or more buildings to serve as additions to the National Gallery of Art. The cost of constructing any such building shall be paid from trust funds administered by such Trustees. The plans and specifications for any such building shall be approved by the Commission of Fine Arts and the National Capital Planning Commission.

SEC. 2. Any building constructed under authority of the first section of this Act shall, upon completion, be a part of the National Gallery of Art.

78 Stat. 366.

SEC. 3. Paragraph (2) of section 9 of the Act entitled "An Act relating to the policing of the buildings and grounds of the Smithsonian Institution and its constituent bureaus", approved October 24, 1951 (65 Stat. 634; 40 U.S.C. 193n et seq.) is amended by inserting "(A)" immediately after "held to extend" and by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "(B) to the line of the face of the south curb of Pennsylvania Avenue Northwest, between Fourth Street and Third Street Northwest, to the line of the face of the west curb of Third Street Northwest, between Pennsylvania Avenue and Madison Drive Northwest, to the line of the face of the north curb of Madison Drive Northwest, between Third Street and Fourth Street Northwest, and to the line of the face of the east curb of Fourth Street Northwest, between Pennsylvania Avenue and Madison Drive Northwest."

Jurisdiction.

SEC. 4. The Commissioner of the District of Columbia is authorized to transfer to the United States such jurisdiction as the District of Columbia may have over any of the property within the area referred to in the first section of this Act.

SEC. 5. If any public utility (whether privately or publicly owned) located within the area referred to in the first section of this Act is required to be relocated or protected by reason of the construction within such area of any addition to the National Gallery of Art, the cost of such relocation or protection shall be paid from trust funds administered by the Trustees of the National Gallery of Art.

Approved July 5, 1968.

Public Law 90-377

AN ACT

To amend titles 10, 14, and 37, United States Code, to provide for confinement and treatment of offenders against the Uniform Code of Military Justice.

July 5, 1968
[H. R. 5783]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subtitle A of title 10, United States Code, is amended by inserting the following new chapter after chapter 47:

Armed Forces.
Correctional
facilities.
70A Stat. 36.
10 USC 801-
940.

“Chapter 48.—MILITARY CORRECTIONAL FACILITIES

“Sec.

“951. Establishment; organization; administration.

“952. Parole.

“953. Remission or suspension of sentence; restoration to duty; reenlistment.

“954. Voluntary extension; probation.

“§ 951. Establishment; organization; administration

“(a) The Secretaries concerned may provide for the establishment of such military correctional facilities as are necessary for the confinement of offenders against chapter 47 of this title.

“(b) The Secretary concerned shall—

“(1) designate an officer for each armed force under his jurisdiction to administer military correctional facilities established under this chapter;

“(2) provide for the education, training, rehabilitation, and welfare of offenders confined in a military correctional facility of his department; and

“(3) provide for the organization and equipping of offenders selected for training with a view to their honorable restoration to duty or possible reenlistment.

“(c) There shall be an officer in command of each major military correctional facility. Under regulations to be prescribed by the Secretary concerned, the officer in command shall have custody and control of offenders confined within the facility which he commands, and shall usefully employ those offenders as he considers best for their health and reformation, with a view to their restoration to duty, enlistment for future service, or return to civilian life as useful citizens.

“(d) There may be made or repaired at each military correctional facility such supplies for the armed forces or other agencies of the United States as can properly and economically be made or repaired as such facilities.

“§ 952. Parole

“The Secretary concerned may provide a system of parole for offenders who are confined in military correctional facilities and who were at the time of commission of their offenses subject to the authority of that Secretary.

“§ 953. Remission or suspension of sentence; restoration to duty; reenlistment

“For offenders who were at the time of commission of their offenses subject to his authority, and who merit such action, the Secretary concerned shall establish—

“(1) a system for the remission or suspension of the unexecuted part of the sentences of selected offenders;

“(2) a system for the restoration to duty of such offenders who have had the unexecuted part of their sentences remitted or suspended and who have not been discharged; and

“(3) a system for the enlistment of such offenders who have had the unexecuted part of their sentences remitted and who have been discharged.

“§ 954. Voluntary extension; probation

“The Secretary concerned may provide for persons who were subject to this authority at the time of commission of their offenses a system for retention of selected offenders beyond expiration of normal service obligation in order to voluntarily serve a period of probation with a view to honorable restoration to duty.”

SEC. 2. The analysis of subtitle A of title 10, United States Code, and the analysis of part II of subtitle A thereof, are each amended by inserting the following new item:

“48. Military Correctional Facilities..... 951.”

SEC. 3. The analysis of subtitle B of title 10, United States Code, and the analysis of part II of subtitle B thereof, are each amended by striking out the following item:

“351. United States Disciplinary Barracks..... 3661.”

SEC. 4. The analysis of chapter 631 of title 10, United States Code, is amended by striking out the following item:

“7215. Naval prisons, prison farms, and prisoners.”

SEC. 5. The analysis of subtitle D of title 10, United States Code, and the analysis of part II of subtitle D thereof, are each amended by striking out the following item:

“851. United States Disciplinary Barracks..... 8662.”

Repeals.

SEC. 6. The following parts of title 10, United States Code, are repealed:

70A Stat. 208.
10 USC 3661-
3663.
10 USC 8662,
8663.

- (1) Chapter 351.
- (2) Section 7215.
- (3) Chapter 851.

SEC. 7. The analysis of chapter 13 of title 14, United States Code, is amended by striking out the following item:

“509. Prisoners; allowances to; transportation.”

and inserting the following item in place thereof:

“509. Persons discharged as result of court-martial; allowances to.”

Coast Guard.
64 Stat. 148.

SEC. 8. Section 509 of title 14, United States Code, is amended to read as follows:

“§ 509. Persons discharged as result of court-martial; allowances to

“The Secretary may furnish persons discharged pursuant to the sentence of a Coast Guard court-martial suitable civilian clothing and a monetary allowance not to exceed \$25 if the person discharged would not otherwise have suitable clothing or funds to meet immediate needs.”

SEC. 9. The analysis of chapter 7 of title 37, United States Code, is amended by striking out the following item:

“426. Prisoners in naval confinement facilities.”

Repeal.
76 Stat. 480.

SEC. 10. Section 426 of title 37, United States Code, is repealed.

Approved July 5, 1968.

Public Law 90-378

AN ACT

To amend section 2306 of title 10, United States Code, to authorize certain contracts for services and related supplies to extend beyond one year.

July 5, 1968
[H. R. 15789]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2306 of title 10, United States Code, is amended by adding the following new subsection after subsection (f) :

“(g) (1) The head of an agency may enter into contracts for periods of not more than five years for the following types of services (and items of supply related to such services) to be performed outside the forty-eight contiguous States and the District of Columbia for which funds would otherwise be available for obligation only within the fiscal year for which appropriated—

“(A) operation, maintenance, and support of facilities and installations;

“(B) maintenance or modification of aircraft, ships, vehicles, and other highly complex military equipment;

“(C) specialized training necessitating high quality instructor skills (for example, pilot and other aircrew members; foreign language training); and

“(D) base services (for example, ground maintenance; in-plane refueling; bus transportation; refuse collection and disposal);

whenever he finds that :

“(i) there will be a continuing requirement for the services consonant with current plans for the proposed contract period;

“(ii) the furnishing of such services will require a substantial initial investment in plant or equipment, or the incurrence of substantial contingent liabilities for the assembly, training, or transportation of a specialized work force; and

“(iii) the use of such a contract will promote the best interests of the United States by encouraging effective competition and promoting economies in operation.

“(2) In entering into such contracts, the head of the agency shall be guided by the following principles:

“(A) the portion of the cost of any plant or equipment amortized as a cost of contract performance should not exceed the ratio between the period of contract performance and the anticipated useful commercial life of such plant or equipment. Useful commercial life, for this purpose, means the commercial utility of the facilities rather than the physical life thereof, with due consideration given to such factors as location of facilities, specialized nature thereof, and obsolescence.

“(B) consideration shall be given to the desirability of obtaining an option to renew the contract for a reasonable period not to exceed three years, at prices not to include charges for plant, equipment and other nonrecurring costs, already amortized.

“(C) consideration shall be given to the desirability of reserving in the agency the right, upon payment of the unamortized portion of the cost of the plant or equipment, to take title thereto under appropriate circumstances.

“(3) In the event funds are not made available for the continuation of such a contract into a subsequent fiscal year, the contract shall be canceled or terminated, and the costs of cancellation or termination may be paid from :

“(A) appropriations originally available for the performance of the contract concerned;

Armed Forces.
Multiyear procurement, authorization.

70A Stat. 130;
76 Stat. 528.

Guidelines.

Renewal option.

Cancellation.

Written findings,
requirement.
76 Stat. 529;
80 Stat. 850.

"(B) appropriations currently available for procurement of the type of services concerned, and not otherwise obligated; or
"(C) funds appropriated for those payments."

SEC. 2. Section 2310(b) of title 10, United States Code, is amended—
(A) by inserting "section 2306(g)(1)," after the words "section 2306(c)," after the first time those words appear;

(B) by inserting after "(3)" the words "support the findings required by section 2306(g)(1), (4)";

(C) by striking out "(4)" and inserting in place thereof "(5)", and

(D) by striking out "(5)" and inserting in place thereof "(6)."

Contract au-
thorizations, ex-
ception.

SEC. 3. Section 2311 of title 10, United States Code, is amended by striking out "under clauses (11)–(16) of section 2304(a) of this title" and by inserting in place thereof "(1) under clauses (11)–(16) of section 2304(a) of this title, and (2) authorizing contracts in excess of three years under section 2306(g) of this title."

Ante, p. 289.

Approved July 5, 1968.

Public Law 90-379

AN ACT

July 5, 1968
[H. R. 14910]

To amend the Communications Act of 1934, as amended, to give the Federal Communications Commission authority to prescribe regulations for the manufacture, import, sale, shipment, or use of devices which cause harmful interference to radio reception.

Communications
Act of 1934,
amendment.
48 Stat. 1064.
47 USC 609 and
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Communications Act of 1934, as amended, is further amended by adding thereto a new section 302 to read as follows:

"DEVICES WHICH INTERFERE WITH RADIO RECEPTION

"SEC. 302. (a) The Commission may, consistent with the public interest, convenience, and necessity, make reasonable regulations governing the interference potential of devices which in their operation are capable of emitting radio frequency energy by radiation, conduction, or other means in sufficient degree to cause harmful interference to radio communications. Such regulations shall be applicable to the manufacture, import, sale, offer for sale, shipment, or use of such devices.

"(b) No person shall manufacture, import, sell, offer for sale, ship, or use devices which fail to comply with regulations promulgated pursuant to this section.

Exceptions.

"(c) The provisions of this section shall not be applicable to carriers transporting such devices without trading in them, to devices manufactured solely for export, to the manufacture, assembly, or installation of devices for its own use by a public utility engaged in providing electric service, or to devices for use by the Government of the United States or any agency thereof. Devices for use by the Government of the United States or any agency thereof shall be developed, procured, or otherwise acquired, including offshore procurement, under United States Government criteria, standards, or specifications designed to achieve the common objective of reducing interference to radio reception, taking into account the unique needs of national defense and security."

Approved July 5, 1968.

Public Law 90-380

AN ACT

To amend section 11-341(b) of the District of Columbia Code which relates to the sales price for the reports of the opinions of the United States Court of Appeals for the District of Columbia Circuit.

July 5, 1968
[H. R. 8581]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 11-341(b) of the District of Columbia Code is amended by striking out "at not more than \$6.50 per volume" and inserting in lieu thereof "at not more than \$12 per volume".

U.S. Court of
Appeals for D.C.
Circuit.
77 Stat. 480.

Approved July 5, 1968.

Public Law 90-381

AN ACT

To prohibit desecration of the flag, and for other purposes.

July 5, 1968
[H. R. 10480]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 33 of title 18, United States Code, is amended by inserting immediately preceding section 701 thereof, a new section as follows:

Flag desecra-
tion.
Penalties.
62 Stat. 731.
18 USC 701-
713.

"§ 700. Desecration of the flag of the United States; penalties

"(a) Whoever knowingly casts contempt upon any flag of the United States by publicly mutilating, defacing, defiling, burning, or trampling upon it shall be fined not more than \$1,000 or imprisoned for not more than one year, or both.

"(b) The term 'flag of the United States' as used in this section, shall include any flag, standard, colors, ensign, or any picture or representation of either, or of any part or parts of either, made of any substance or represented on any substance, of any size evidently purporting to be either of said flag, standard, colors, or ensign of the United States of America, or a picture or a representation of either, upon which shall be shown the colors, the stars and the stripes, in any number of either thereof, or of any part or parts of either, by which the average person seeing the same without deliberation may believe the same to represent the flag, standards, colors, or ensign of the United States of America.

"Flag of the
United States."

"(c) Nothing in this section shall be construed as indicating an intent on the part of Congress to deprive any State, territory, possession, or the Commonwealth of Puerto Rico of jurisdiction over any offense over which it would have jurisdiction in the absence of this section."

SEC. 2. The analysis of chapter 33 of title 18, United States Code, is amended by inserting at the beginning thereof the following:

"§ 700. Desecration of the flag of the United States; penalties."

SEC. 3. Section 3 of title 4, United States Code, is amended by striking from the first sentence thereof the following: "; or who, within the District of Columbia, shall publicly mutilate, deface, defile or defy, trample upon, or cast contempt, either by word or act, upon any such flag, standard, colors, or ensign,".

61 Stat. 642.

Approved July 5, 1968.

Public Law 90-382

July 5, 1968
[H. R. 3931]

AN ACT

To amend the Act of April 3, 1952.

National Conference of State Societies, D.C. Designation.
36 USC 401.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to incorporate the Conference of State Societies, Washington, District of Columbia", approved April 3, 1952 (66 Stat. 37), is amended as follows:

(1) The first section of such Act is amended by striking out "by the name of the 'Conference of State Societies, Washington, District of Columbia'" and inserting in lieu thereof "by the name of the 'National Conference of State Societies, Washington, District of Columbia'".

36 USC 418.

(2) Section 18 of such Act is amended by striking out "'Conference of State Societies, Washington, D.C.'" and inserting in lieu thereof "'National Conference of State Societies, Washington, District of Columbia,'".

Approved July 5, 1968.

Public Law 90-383

July 5, 1968
[H. R. 13315]

AN ACT

To amend section 127 of title 28, United States Code, to define more precisely the territory included in the two judicial districts of Virginia.

Virginia judicial districts.
62 Stat. 893.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 127 of title 28 of the United States Code is amended by adding at the end thereof a subsection (c) reading as follows:

"(c) Cities and incorporated towns are included in that district in which are included the counties within the exterior boundaries of which such cities and incorporated towns are geographically located or out of the territory of which they have been incorporated."

Approved July 5, 1968.

Public Law 90-384

July 5, 1968
[H. R. 17024]

AN ACT

To repeal section 1727 of title 18, United States Code, so as to permit prosecution of postal employees for failure to remit postage due collections, under the postal embezzlement statute, section 1711 of title 18, United States Code.

Postal Service employees. Embezzlement, prosecution.
62 Stat. 785.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1727 of title 18, United States Code, is hereby repealed; and

(b) The table of contents for chapter 83 of title 18, United States Code, is amended by striking therefrom

"1727. Postage accounting."

SEC. 2. Nothing in this Act shall be construed to affect in any way any prosecution for any offense occurring prior to the date of enactment of such Act.

Approved July 5, 1968.

Public Law 90-385

AN ACT

To increase the limitation on the number of officers for the Coast Guard.

July 5, 1968
[H. R. 16127]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 42 of title 14, United States Code, is amended by striking out "four" and inserting "five" in place thereof so that the subsection will read as follows:

Coast Guard
officers, increase.
80 Stat. 195.

"(a) The total number of commissioned officers, excluding commissioned warrant officers, on active duty in the Coast Guard shall not exceed five thousand."

Approved July 5, 1968.

Public Law 90-386

AN ACT

To amend title 10, United States Code, to authorize an increase in the numbers of officers of the Navy designated for engineering duty, aeronautical engineering duty, and special duty.

July 5, 1968
[H. R. 13050]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 10, United States Code, is amended as follows:

U.S. Navy.
Special duty
officers, increase.
70A Stat. 298.

(1) Section 5406 is amended by striking out "4 5/10" and inserting "5 5/10" in place thereof.

(2) Section 5407 is amended by striking out "2 5/10" and inserting "3 5/10" in place thereof.

(3) Section 5408 is amended by striking out "2 5/10" and inserting "6" in place thereof.

(4) Section 5442(g) and 5447(g) are each amended by amending clauses (1), (2), and (3) to read as follows:

"(1) Engineering duty—11 percent.

"(2) Aeronautical engineering duty—7 percent.

"(3) Special duty—12 percent."

(5) Section 5587(c) is amended by inserting the following sentences at the beginning thereof: "The types of engineering duty for which officers may be designated include ship engineering and ordnance engineering. The types of aeronautical engineering duty for which officers may be designated include aeronautical engineering and aviation maintenance."

70A Stat. 325;
81 Stat. 547.

Approved July 5, 1968.

Public Law 90-387

AN ACT

To amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938.

July 5, 1968
[H. R. 17002]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 318 of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1318(b)), be amended by changing the second condition to read as follows: "(2) no transfer other than by annual lease of an allotment or quota from a farm subject to a mortgage or other lien shall be permitted unless the transfer is agreed to by the lienholders;"

Tobacco acreage
allotments.
Transfer.
81 Stat. 120.
7 USC 1314d.

Approved July 5, 1968.

Public Law 90-388

July 6, 1968
[H. R. 16451]

AN ACT

To authorize the Secretary of Agriculture to cooperate with the several governments of Central America in the prevention, control, and eradication of foot-and-mouth disease or rinderpest.

U.S.-Central
America.
Livestock dis-
ease control.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized to cooperate with the several governments of Central America in carrying out operations or measures to prevent or retard, suppress, or control, or to eradicate foot-and-mouth disease or rinderpest in Central America where he deems such action necessary to protect the livestock and related industries of the United States. In performing the operations or measures herein authorized, the several governments of Central America shall be responsible for the authority necessary to carry out such operations or measures on all lands and properties in each nation and for such other facilities and means as in the discretion of the Secretary of Agriculture are necessary. The measure and character of cooperation carried out under this Act on the part of the United States and on the part of the several governments of Central America, including the expenditure or use of funds appropriated pursuant to this Act, shall be such as may be prescribed by the Secretary of Agriculture. Arrangements for the cooperation authorized by this Act shall be made through and in consultation with the Secretary of State. The authority contained in this Act is in addition to and not in substitution for the authority of existing law.

28 Stat. 622;
40 Stat. 1270.

SEC. 2. For purposes of this Act, funds appropriated pursuant thereto may also be used for the purchase or hire of passenger motor vehicles and aircraft, for printing and binding without regard to section 87 of the Act of January 12, 1895, or section 11 of the Act of March 1, 1919 (44 U.S.C. 111), and for the employment of civilian nationals of the several nations of Central America.

SEC. 3. The governments of Central America, for the purposes of this Act, mean the governments for those countries located between the Republic of Colombia and the Republic of Mexico.

SEC. 4. In carrying out this Act the Secretary of Agriculture is further authorized to cooperate with other public and private organizations and individuals.

Appropriation.

SEC. 5. There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Approved July 6, 1968.

Public Law 90-389

July 7, 1968
[H. R. 15345]

AN ACT

To provide security measures for banks and other financial institutions, and to provide for the appointment of the Federal Savings and Loan Insurance Corporation as receiver.

Bank Protection
Act of 1968.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Bank Protection Act of 1968".

"Federal super-
visory agency."

SEC. 2. As used in this Act the term "Federal supervisory agency" means—

- (1) The Comptroller of the Currency with respect to national banks and district banks,
- (2) The Board of Governors of the Federal Reserve System

with respect to Federal Reserve banks and State banks which are members of the Federal Reserve System,

(3) The Federal Deposit Insurance Corporation with respect to State banks which are not members of the Federal Reserve System but the deposits of which are insured by the Federal Deposit Insurance Corporation, and

(4) The Federal Home Loan Bank Board with respect to Federal savings and loan associations, and institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation.

SEC. 3. (a) Within six months from the date of this Act, each Federal supervisory agency shall promulgate rules establishing minimum standards with which each bank or savings and loan association must comply with respect to the installation, maintenance, and operation of security devices and procedures, reasonable in cost, to discourage robberies, burglaries, and larcenies and to assist in the identification and apprehension of persons who commit such acts. Security measures.

(b) The rules shall establish the time limits within which banks and savings and loan associations shall comply with the standards and shall require the submission of periodic reports with respect to the installation, maintenance, and operation of security devices and procedures.

SEC. 4. The Federal supervisory agencies shall consult with

(1) insurers furnishing insurance protection against losses resulting from robberies, burglaries, and larcenies committed against financial institutions referred to in section 2, and

(2) State agencies having supervisory or regulatory responsibilities with respect to such insurers

to determine the feasibility and desirability of premium rate differentials based on the installation, maintenance, and operation of security devices and procedures. The Federal supervisory agencies shall report to the Congress the results of their consultations pursuant to this section not later than two years after the date of enactment of this Act. Insurance rates.

SEC. 5. A bank or savings and loan association which violates a rule promulgated pursuant to this Act shall be subject to a civil penalty which shall not exceed \$100 for each day of the violation. Report to Congress.

SEC. 6. Subsection (c) of section 406 of the National Housing Act is amended by inserting "(1)" after "(c)" and by adding at the end thereof the following: Penalty.

"(2) In the event the Federal Home Loan Bank Board determines—

"(A) that (i) a conservator, receiver, or other legal custodian (whether or not the Corporation) has been or is hereafter appointed for an insured institution which is not a Federal savings and loan association other than by the Board (whether or not such institution is in default) and that the appointment of such conservator, receiver, or custodian, or any combination thereof, has been outstanding for a period of at least fifteen consecutive days, or (ii) an insured institution (other than a Federal savings and loan association) has been closed by or under the laws of any State;

"(B) that one or more of the grounds specified in paragraph (6) (A) of section 5(d) of the Home Owners' Loan Act of 1933, existed with respect to such institution at the time a conservator, receiver, or other legal custodian was appointed, or at the time such institution was closed, or exists thereafter during the appointment of the conservator, receiver, or other legal custodian or while the institution is closed; and Liquidation, FSLIC appointment as receiver. 48 Stat. 1259. 12 USC 1729.

80 Stat. 1028.
12 USC 1464 and note.

“(C) that one or more of the holders of withdrawable accounts in such institution is unable to obtain a withdrawal of his account, in whole or in part;
the Board shall have exclusive power and jurisdiction to appoint the Corporation as sole receiver for such institution. As used in this paragraph (2), the term ‘State’ includes the Commonwealth of Puerto Rico, the territories and possessions, and any place subject to the jurisdiction of the United States.

“State.”

“(3) In any case where the Corporation is appointed receiver of an insured institution pursuant to paragraph (2)—

“(A) the provisions of section 5(d) of the Home Owners’ Loan Act of 1933 shall be applicable in the same manner and to the same extent as if such institution were a Federal savings and loan association with respect to which the Corporation had been appointed receiver under paragraph (6) thereof, and the provisions of paragraph (14) of said subsection (d) shall be applicable in the same manner and the same extent that they would be applicable if the insured institution were an institution referred to in the first sentence of said paragraph; and

“(B) the Corporation shall have authority to liquidate such institution in an orderly manner or to make such other disposition of the matter as it deems to be in the best interests of the institution, its savers, and the Corporation.

In connection with the liquidation of any such institution, the language ‘the court or other public authority having jurisdiction over the matter’ in subsection (d) of this section shall mean said Board.”

Approved July 7, 1968.

Public Law 90-390

AN ACT

July 7, 1968
[H. R. 16162]

To enable the Export-Import Bank of the United States to approve extension of certain loans, guarantees, and insurance in connection with exports from the United States in order to improve the balance of payments and foster the long-term commercial interests of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Export-Import
Bank loans, etc.
Extension.

SECTION 1. (a) It is the policy of the Congress that the Export-Import Bank of the United States should facilitate through loans, guarantees, and insurance (including coinsurance and reinsurance) those export transactions which, in the judgment of the Board of Directors of the Bank, offer sufficient likelihood of repayment to justify the Bank’s support in order to actively foster the foreign trade and long-term commercial interest of the United States.

(b) The Bank shall specially designate loans, guarantees, and insurance on the books of the Bank made under authority of this Act. In connection with guarantees and insurance, not less than 25 per centum of the related contractual liability of the Bank shall be taken into account for the purpose of applying the limitation imposed by section 7 of the Export-Import Bank of 1945, as amended; but the full amount of the related contractual liability of such guarantees and insurance shall be taken into account for the purpose of applying the limitation in section 2(c)(1) of that Act, concerning the amount of guarantees and insurance the Bank may have outstanding at any one time thereunder. The aggregate amount of loans plus 25 per centum

Ante, p. 49.

Ante, p. 49.

Limitation.

of the contractual liability of guarantees and insurance outstanding at any one time under this Act shall not exceed \$500,000,000.

(c) The Board of Directors of the Bank shall submit to the Congress for the calendar quarter ending September 30, 1968, and for each calendar quarter thereafter a report of all actions taken under authority of this Act during such quarter.

Report to Congress.

SEC. 2. In the event of any losses, as determined by the Board of Directors of the Bank, incurred on loans, guarantees, and insurance extended under this Act, the first \$100,000,000 of such losses shall be borne by the Bank; the second \$100,000,000 of such losses shall be borne by the Secretary of the Treasury; and any losses in excess thereof shall be borne by the Bank. Reimbursement of the Bank by the Secretary of the Treasury of the amount of losses which are to be borne by the Secretary of the Treasury as aforesaid shall be from funds made available pursuant to section 3 of this Act. All guarantees and insurance issued by the Bank shall be considered contingent obligations backed by the full faith and credit of the Government of the United States of America.

Losses.

Contingent obligations.

SEC. 3. There are hereby authorized to be appropriated to the Secretary of the Treasury without fiscal year limitation \$100,000,000 to cover the amount of any losses which are to be borne by the Secretary of the Treasury as provided in section 2 hereof.

Appropriation.

SEC. 4. Nothing in this Act shall be construed as a limitation on the powers of the Bank under the Export-Import Bank Act of 1945, as amended; and except as to the standard of reasonable assurance of repayment required under section 2(b)(1) of that Act, all loans, guarantees, and insurance extended hereunder shall be subject to the provisions of said Export-Import Bank Act of 1945, as amended, and to the policies of the Bank with respect to terms of repayment, interest rates, fees, and premiums applicable to loans, guarantees, and insurance extended under that Act.

59 Stat. 526.
12 USC 635
note.
Ante, p. 47.

SEC. 5. The Bank shall not extend loans, guarantees, or insurance under this Act in connection with the sale of defense articles or defense services.

Prohibition.

Approved July 7, 1968.

Public Law 90-391

AN ACT

To amend the Vocational Rehabilitation Act to extend the authorization of grants to States for rehabilitation services, to broaden the scope of goods and services available under that Act for the handicapped, and for other purposes.

July 7, 1968
[H. R. 16819]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Vocational Rehabilitation Amendments of 1968".

Vocational Rehabilitation Amendments of 1968.

AUTHORIZATION OF APPROPRIATIONS

79 Stat. 1282;
81 Stat. 250.
29 USC 31.

SEC. 2. (a) Section 1(b)(1) of the Vocational Rehabilitation Act is amended by striking out "and" and by inserting before the period at the end thereof the following: "; and for the fiscal year ending June 30, 1971, the sum of \$700,000,000".

(b) Section 1(b)(2) of such Act is amended by striking out "and" and by inserting before the period at the end thereof the following: "; for the fiscal year ending June 30, 1969, the sum of \$3,200,000, for the fiscal year ending June 30, 1970, the sum of \$6,000,000, and for the fiscal year ending June 30, 1971, the sum of \$10,000,000".

(c) Section 1(b)(3) of such Act is amended by striking out "and" where it appears after "\$104,000,000," and by inserting before the period at the end thereof the following: "; for the fiscal year ending June 30, 1969, the sum of \$80,000,000, for the fiscal year ending June 30, 1970, the sum of \$115,000,000, and for the fiscal year ending June 30, 1971, the sum of \$140,000,000".

(d) Section 1(b)(4) of such Act is amended by striking out "1969" and inserting "1972".

MINIMUM ALLOTMENTS TO STATES

29 USC 32.

SEC. 3. Section 2(a) of the Vocational Rehabilitation Act is amended by inserting at the end thereof the following: "The allotment to any State (other than the Virgin Islands, Puerto Rico, and Guam) for any fiscal year under the preceding two sentences which is less than \$1,000,000 shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotments of each of the remaining such States under the preceding two sentences, but with such adjustments as may be necessary to prevent the allotment of any of such remaining States from being thereby reduced to less than that amount."

LIMITATION ON USE OF FUNDS FOR CONSTRUCTION

Post, p. 300.

SEC. 4. Section 2(b) of the Vocational Rehabilitation Act is amended by inserting after "for such year" the first time it appears the following: "and such payments shall not be made in an amount which would result in a violation of the provisions of the State plan required by section 5(a)(14)" and by striking out "1965" and inserting in lieu thereof "1969".

PRIVATE CONTRIBUTIONS FOR CONSTRUCTION OR ESTABLISHMENT OF FACILITIES

SEC. 5. Section 2 of the Vocational Rehabilitation Act is amended by adding at the end thereof following new subsection:

Post, p. 299.
Post, p. 300.

"(c) For the purpose of determining the amount of payments to States for carrying out this section and section 3 with respect to expenditures under a State plan approved under section 5, State funds

shall, subject to such limitations and conditions as may be prescribed in regulations of the Secretary, include contributions of funds made by any private agency, organization, or individual to a State to assist in meeting the costs of construction or establishment of a public or other nonprofit rehabilitation facility, which would be regarded as State funds except for the condition, imposed by the contributor, limiting use of such funds to construction or establishment of such facility."

ALLOTMENTS TO STATES FOR THE INNOVATION OF VOCATIONAL
REHABILITATION SERVICES

SEC. 6. Effective with respect to fiscal years ending after June 30, 1969, section 3 of the Vocational Rehabilitation Act is amended by adding at the end thereof the following new subsection:

79 Stat. 1283.
29 USC 33.

"(d) Whenever the Secretary determines that any amount of an allotment to a State for any fiscal year will not be utilized by such State in carrying out the purposes of this section, he shall make such amount available for carrying out the purposes of this section to one or more other States which he determines will be able to use additional amounts during such year for carrying out such purposes. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for purposes of this Act, be regarded as an increase in such State's allotment (as determined under the preceding provisions of this section) for such year."

PROJECTS WITH INDUSTRY: TECHNICAL AMENDMENTS OF SECTION 4

SEC. 7. (a) (1) The first sentence of section 4(a) of the Vocational Rehabilitation Act is amended by (A) inserting "(1)" after "Secretary shall", (B) striking out "(1)" after "grants", (C) inserting in clause (1) thereof after "several States" the following: ", and problems related to the rehabilitation of the mentally retarded", and (D) amending clause (2) thereof to read as follows: "(2) (A) make grants to States and public and other nonprofit organizations and agencies for paying part of the cost of planning, preparing for, and initiating special programs to expand vocational rehabilitation services in those States where, in the judgment of the Secretary, such action holds promise of yielding a substantial increase in the number of persons vocationally rehabilitated, and sums appropriated for grants under this clause shall remain available for such grants through the close of June 30, 1972, (B) make contracts or jointly financed cooperative arrangements with employers and organizations for the establishment of projects designed to prepare handicapped individuals for gainful employment in the competitive labor market under which handicapped individuals are provided training and employment in a realistic work setting and such other services (determined in accordance with regulations of the Secretary) as may be necessary for such individuals to continue to engage in such employment, (C) make grants to State vocational rehabilitation agencies and other public and private nonprofit agencies to enable them to develop new programs to recruit and train individuals for new career opportunities in order to provide appropriate manpower in programs serving handicapped individuals and to upgrade or expand those services and (D) make grants to vocational rehabilitation agencies and other public and private nonprofit agencies to enable them to develop new programs to recruit and train handicapped individuals to provide them with new career opportunities in the fields of rehabilitation, health, welfare, public safety and law enforcement, and other appropriate public service employment."

68 Stat. 655;
79 Stat. 1289.
29 USC 34.

79 Stat. 1290.

79 Stat. 1290.
29 USC 34.

(2) The second sentence of section 4(a) of the Vocational Rehabilitation Act is amended by striking out "vocational rehabilitation" and inserting in lieu thereof "vocational rehabilitation of the handicapped or to the rehabilitation of the mentally retarded".

68 Stat. 655.

(b) Section 4 of such Act is amended by striking out subsection (b) and redesignating subsections (c) and (d) as (b) and (c), respectively.

79 Stat. 1282.
29 USC 31.

(c) So much of section 1(b)(3) of such Act as precedes "there is authorized" is amended to read as follows:

Ante, p. 299.

"(3) For the purpose of (A) making grants under section 4(a)(1) for research, demonstrations, training, and traineeships; (B) making grants under clause (2)(A) of section 4(a) for planning, preparing for, and initiating special programs to expand State vocational rehabilitation services; (C) making contracts and jointly financed cooperative arrangements under clause (2)(B) of section 4(a) for projects for providing jobs to handicapped individuals; and (D) making grants under clauses (2)(C) and (D) of section 4(a) to develop new programs to recruit and train individuals for new career opportunities."

79 Stat. 1293.

(d) Section 4(c) of such Act (as so redesignated by subsection (b)) is amended by striking out "section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-2) and inserting in lieu thereof "section 5703 of title 5, United States Code,".

80 Stat. 499.

STATE PLAN REQUIREMENTS

79 Stat. 1291.
29 USC 35.

SEC. 8. (a) Section 5(a)(1)(A) of the Vocational Rehabilitation Act is amended by inserting "(i)" after "except that" and by inserting before the semicolon at the end thereof the following: "; and (ii) the Secretary, upon the request of an agency so designated, may authorize such agency to share funding and administrative responsibility with another agency of the State in order to permit such agencies to carry out a joint project to provide services to handicapped individuals, and may waive compliance with respect to vocational rehabilitation services furnished under such joint projects with the requirement of section 5(a)(3) that the plan be in effect in all political subdivisions of the State".

68 Stat. 657.

(b) Section 5(a)(7) of such Act is amended to read as follows:

"(7) provide that evaluation of rehabilitation potential, counseling and guidance, personal and vocational adjustment, training, maintenance, physical restoration, and placement and followup services will be provided under the plan;"

(c) Section 5(a)(9) of such Act is amended by striking out "Bureau of Old-Age and Survivors Insurance" and inserting in lieu thereof "Social Security Administration".

81 Stat. 253.

(d) Section 5(a) of such Act is further amended by striking out "and" at the end of paragraph (11), by striking out the period at the end of paragraph (12) and inserting a semicolon, and by adding at the end thereof the following:

"(13) provide for continuing statewide studies of the needs of handicapped individuals and how these may be most effectively met; and

"(14) provide that where such State plan includes provisions for the construction of rehabilitation facilities—

"(A) the Federal share of the cost of construction thereof for a fiscal year will not exceed an amount equal to 10 per centum of the State's allotment for such year,

79 Stat. 1284.
29 USC 41a.

"(B) the provisions of subsections (b)(1), (2), and (4), and (e) of section 12 shall be applicable to such construction and such provisions shall be deemed to apply to such construction, and

“(C) there shall be compliance with regulations of the Secretary designed to assure that no State will reduce its efforts in providing other vocational rehabilitation services because its plan includes such provisions for construction.”

EVALUATION OF VOCATIONAL REHABILITATION PROGRAM

SEC. 9. Section 7 of the Vocational Rehabilitation Act is amended by adding at the end thereof the following new subsection:

68 Stat. 658;
79 Stat. 1291.
29 USC 37.

“(e) For any fiscal year ending after June 30, 1968, such portion of the appropriations for grants under section 1 as the Secretary may determine, but not exceeding 1 per centum thereof or \$1,000,000, whichever is the lesser, shall be available for evaluation by the Secretary (directly or by grants or contracts) of the programs authorized by this Act.”

Ante, pp. 298,
300.

REVISION OF DEFINITIONS

SEC. 10. (a) Subsection (a) of section 11 of the Rehabilitation Act is amended to read as follows:

29 USC 41.

“(a)(1) The term ‘vocational rehabilitation services’ means the following services:

“‘Vocational
rehabilitation
services.’”

“(A) evaluation, including diagnostic and related services, incidental to the determination of eligibility for and the nature and scope of services to be provided;

“(B) counseling, guidance, and placement services for handicapped individuals, including followup services to assist such individuals to maintain their employment;

“(C) training services for handicapped individuals, which shall include personal and vocational adjustment, books, and other training materials;

“(D) reader services for the blind and interpreter services for the deaf; and

“(E) recruitment and training services for handicapped individuals to provide them with new employment opportunities in the fields of rehabilitation, health, welfare, public safety, and law enforcement, and other appropriate service employment.

“(2) Such term also includes, after full consideration of eligibility for any similar benefit by way of pension, compensation, and insurance, the following services and goods provided to, or for the benefit of, a handicapped individual:

“(A) physical restoration services, including, but not limited to (i) corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition which is stable or slowly progressive and constitutes a substantial barrier to employment, but is of such nature that such correction or modification may reasonably be expected to eliminate or substantially reduce the handicap within a reasonable length of time, (ii) necessary hospitalization in connection with surgery or treatment, (iii) prosthetic and orthotic devices, (iv) eye glasses and visual services as prescribed by a physician skilled in the diseases of the eye or by an optometrist;

“(B) maintenance, not exceeding the estimated cost of subsistence, during rehabilitation;

“(C) occupational licenses, tools, equipment, and initial stocks and supplies;

“(D) in the case of any type of small business operated by the severely handicapped the operation of which can be improved by management services and supervision provided by the State agency, the provision of such services and supervision, alone or

together with the acquisition by the State agency of vending stands or other equipment and initial stocks and supplies;

“(E) the construction or establishment of public or other non-profit rehabilitation facilities and the provision of other facilities and services which promise to contribute substantially to the rehabilitation of a group of individuals but which are not related directly to the rehabilitation plan of any one handicapped individual;

“(F) transportation in connection with the rendering of any other vocational rehabilitation service;

“(G) any other goods and services necessary to render a handicapped individual employable;

“(H) services to the families of handicapped individuals when such services will contribute substantially to the rehabilitation of such individuals.”

68 Stat. 660.
29 USC 41.

“Rehabilitation facility.”

(b) Subsection (c) of section 11 such Act is amended to read as follows:

“(c) The term ‘rehabilitation facility’ means a facility which is operated for the primary purpose of providing vocational rehabilitation services to, or gainful employment for, handicapped individuals, or for providing evaluation and work adjustment services for disadvantaged individuals, and which provides singly or in combination one or more of the following services for handicapped individuals: (1) Comprehensive rehabilitation services which shall include, under one management, medical, psychological, social, and vocational services, (2) testing, fitting, or training in the use of prosthetic and orthotic devices, (3) prevocational conditioning or recreational therapy, (4) physical and occupational therapy, (5) speech and hearing pathology, (6) psychological and social services, (7) evaluation, (8) personal and work adjustment, (9) vocational training (in combination with other rehabilitation services), (10) evaluation or control of special disabilities, and (11) extended employment for the severely handicapped who cannot be readily absorbed in the competitive labor market; but all medical and related health services must be prescribed by, or under the formal supervision of, persons licensed to practice medicine or surgery in the State.”

Repeal.
“Workshop.”
“Nonprofit.”

(c) Subsection (d) of section 11 of such Act is repealed.

(d) Subsection (e) of section 11 of such Act is amended by striking out “or a workshop” and “and a workshop, respectively,” and by striking out “101(6) of the Internal Revenue Code” and inserting in lieu thereof “501(c)(3) of the Internal Revenue Code of 1954”.

68A Stat. 163.
26 USC 501.

(e) Subsection (f) of section 11 of such Act is amended to read as follows:

“Establishment of rehabilitation facility.”

“(f) Establishment of a rehabilitation facility means (1) the expansion, remodeling, or alteration of existing buildings necessary to adapt them to rehabilitation facility purposes or to increase their effectiveness for such purposes (subject, however, to such limitations as the Secretary may, by regulation, prescribe in order to prevent impairment of the objectives of, or duplication of, other Federal laws providing Federal assistance in the construction of such facilities), (2) initial equipment of such buildings, and (3) the initial staffing thereof (for a period not to exceed four years and three months).”

“Federal share.”
79 Stat. 1294.

(f) Subsection (i) of section 11 of such Act is amended by inserting before the period at the end thereof the following: “for the fiscal year ending June 30, 1969, and 80 per centum for each succeeding fiscal year; except that with respect to payments pursuant to section 2(b) to any State which are used to meet the costs of construction of rehabilitation facilities (as provided in section 11(a)(2)(E)) in such State, the Federal share shall be, for the fiscal year ending June 30,

Ante, p. 298.

Supra.

1969, and for each subsequent fiscal year, the percentage determined in accordance with the provisions of section 12(c) applicable with respect to that State".

(g) Subsection (g) of section 11 of such Act is amended by inserting before the period the following: "; and, for purposes of sections 4, 7, 12, and 13 only of this Act, American Samoa and the Trust Territory of the Pacific Islands, and for such purposes the appropriate State agency designated as provided in section 5(a)(1) shall be the Governor of American Samoa or the High Commissioner of the Trust Territory of the Pacific Islands, as the case may be".

(h)(1) Section 11(h)(2) of the Vocational Rehabilitation Act is amended by striking out "August 31" and inserting in lieu thereof "September 30", and by striking out ": *Provided*" and all that follows down through "1957".

(2) Section 11(h)(3) of such Act is repealed.

(3) Section 11(h)(4) of such Act is redesignated section 11(h)(3) and is amended by striking out "and subsection (i)".

(i) Section 11(j) of the Vocational Rehabilitation Act is amended by adding at the end thereof before the period the following: "by October 1 of the year preceding the fiscal year for which funds are appropriated pursuant to authorization provided for in section 1".

(j) Section 11 of such Act is further amended by adding at the end thereof the following:

"(1) Except where used in sections 12 and 16, the term 'construction' means the construction of new buildings, the acquisition of existing buildings, initial equipment of such new buildings or newly acquired buildings, and initial staffing thereof (for a period not to exceed four years and three months), and the term 'cost of construction' includes architects' fees and acquisition of land in connection with construction, but does not include the cost of off-site improvements."

REHABILITATION FACILITIES CONSTRUCTION AND STAFFING

SEC. 11. (a)(1) The center heading of section 12 of the Vocational Rehabilitation Act is amended to read as follows:

"GRANTS FOR CONSTRUCTION AND STAFFING OF REHABILITATION FACILITIES"

(2) Section 12 of such Act is amended (A) by striking out "workshop or" and "workshops and" wherever such terms appear, (B) by striking out ", as the case may be" at the end of subsection (b)(1), and (C) by striking out "workshop" where it appears in paragraph (3) of the last subsection and inserting in lieu thereof "rehabilitation facility which is primarily a workshop".

(b) Subsection (i) of section 12 of such Act is amended (1) by inserting after "June 30, 1968" the following: "\$10,000,000 for the fiscal year ending June 30, 1969, \$20,000,000 for the fiscal year ending June 30, 1970, and \$30,000,000 for the fiscal year ending June 30, 1971", and (2) by striking out "1970" and inserting in lieu thereof "1973".

REHABILITATION FACILITIES IMPROVEMENT

SEC. 12. (a) The center heading of section 13 of the Vocational Rehabilitation Act is amended to read "REHABILITATION FACILITY IMPROVEMENT".

(b) Subsection (a) of such section is amended by striking out "workshops and" in paragraph (1), and by striking out "workshops or" both times it appears in paragraph (3).

79 Stat. 1284.
29 USC 41a.

"State."
68 Stat. 661.
29 USC 41.

"Allotment percentage."

Repeal.
74 Stat. 417.

State population.
68 Stat. 661.

Ante, pp. 298,
300.

"Construction."
79 Stat. 676,
1284.
29 USC 41a, 42.

Appropriation.

79 Stat. 1286.
29 USC 41b.

79 Stat. 1287.
29 USC 41b.

(c) Subsection (b) of such section is amended by striking out "Workshop" where it appears in the center heading and inserting "Rehabilitation Facility", and by amending paragraph (1) thereof to read as follows:

"(b) (1) The Secretary is authorized to make grants to public or other nonprofit rehabilitation facilities to pay part of the cost of projects to analyze, improve and increase their professional services to the handicapped, their business management, or any part of their operations affecting their capacity to provide employment and services for the handicapped."

80 Stat. 499.

(d) Subsection (c) of such section is amended (1) by striking "Workshops" where it appears in the center heading and inserting "Rehabilitation Facility", (2) by striking out "workshops" in paragraph (1) and inserting "rehabilitation facilities", and (3) by striking out "section 5 of the Administrative Expense Act of 1946 (5 U.S.C. 73b-2)" and inserting in lieu thereof "section 5703 of title 5, United States Code".

(e) Subsection (d) of such section is amended by inserting after "subsection (a)" in paragraph (2) the following: "for a rehabilitation facility which is a workshop", and by striking out in paragraph (4) "section 5 of the Administrative Expense Act of 1946 (5 U.S.C. 73b-2)" and inserting in lieu thereof "section 5703 of title 5, United States Code".

Appropriation.

(f) Subsection (e) of such section is amended by striking out "workshop or".

(g) Subsection (f) of such section is amended by striking out "and subsection (b)" and inserting in lieu thereof "subsection (b)", and subsection (c)", and by inserting after "June 30, 1968" the following: "\$10,000,000 for the fiscal year ending June 30, 1969, \$20,000,000 for the fiscal year ending June 30, 1970, and \$30,000,000 for the fiscal year ending June 30, 1971".

VOCATIONAL EVALUATION AND WORK ADJUSTMENT

SEC. 13. The Vocational Rehabilitation Act is amended (1) by striking out sections 15 and 16, (2) by redesignating sections 17, 18, and 19 as sections 16, 17, and 18, respectively, and (3) by inserting after section 14 the following new section:

79 Stat. 676,
1284-1289;
81 Stat. 251, 252.
29 USC 31 note,
41c-42b.

"VOCATIONAL EVALUATION AND WORK ADJUSTMENT PROGRAM

State allotments.

"SEC. 15. (a) (1) For each fiscal year each State shall be entitled to an allotment of an amount bearing the same ratio to the amount authorized to be appropriated by paragraph (2) of this subsection for meeting the costs described in paragraph (3) of this subsection, as the product of (A) the population of the State, and (B) its allotment percentage (as defined in section 11(h)) bears to the sum of the corresponding products for all the States. The allotment to any State under the preceding sentence for any fiscal year which is less than \$50,000 (or such amount as may be specified as a minimum allotment in the Act appropriating sums for such year) shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotments to each of the remaining States under the preceding sentence, but with such adjustments as may be necessary to prevent the allotment of any of such remaining States from being thereby reduced to less than that amount.

Ante, p. 303.
Minimum.

Appropriation.

"(2) There is authorized to be appropriated for carrying out this section \$50,000,000 for the fiscal year ending June 30, 1969, \$75,000,000 for the fiscal year ending June 30, 1970, \$100,000,000 for the fiscal

year ending June 30, 1971, and for each succeeding fiscal year only such sums may be appropriated as the Congress may hereafter authorize by law.

“(3) The Secretary shall pay to each State an amount equal to 90 per centum of the cost of evaluation and work adjustment services furnished to disadvantaged persons under a plan of such State approved under subsection (d), including the cost of any evaluation and work adjustment services furnished by the designated State vocational rehabilitation agency or agencies for other agencies providing services to disadvantaged individuals under another evaluation program of the State, except that the total of such payments to such State for such fiscal year may not exceed its allotment under paragraph (1) for such year. The cost of evaluation and work adjustment services shall not include any amounts paid by another public or private agency for the provision of evaluation or work adjustment services.

Federal payments.

“(4) ‘Evaluation and work adjustment services’ include, as appropriate in each case, such services as—

“‘Evaluation and work adjustment services.’”

“(A) a preliminary diagnostic study to determine that the individual is disadvantaged, has an employment handicap, and that services are needed;

“(B) a thorough diagnostic study consisting of a comprehensive evaluation of pertinent medical, psychological, vocational, educational, cultural, social, and environmental factors which bear on the individual’s handicap to employment and rehabilitation potential including, to the degree needed, an evaluation of the individual’s personality, intelligence level, educational achievements, work experience, vocational aptitudes and interests, personal and social adjustments, employment opportunities, and other pertinent data helpful in determining the nature and scope of services needed;

“(C) services to appraise the individual’s patterns of work behavior and ability to acquire occupational skills, and to develop work attitudes, work habits, work tolerance, and social and behavior patterns suitable for successful job performance, including the utilization of work, simulated or real, to assess and develop the individual’s capacities to perform adequately in a work environment;

“(D) any other goods or services provided to a disadvantaged individual, determined (in accordance with regulations of the Secretary) to be necessary for, and which are provided for the purpose of, ascertaining the nature of the handicap to employment and whether it may reasonably be expected the individual can benefit from vocational rehabilitation services or other services available to disadvantaged individuals;

“(E) outreach, referral, and advocacy; and

“(F) the administration of these evaluation and work adjustment services.

As used in this section, the term ‘disadvantaged individuals’ means (i) handicapped individuals as defined in section 11(b) of this Act, (ii) individuals disadvantaged by reason of their youth or advanced age, low educational attainments, ethnic or cultural factors, prison or delinquency records, or other conditions which constitute a barrier to employment, and (iii) other members of their families when the provision of vocational rehabilitation services to family members is necessary for the rehabilitation of an individual described in clause (i) or (ii).

“‘Disadvantaged individuals.’”
68 Stat. 660.
29 USC 41.

“(b) No payment may be made from an allotment under this section with respect to any cost with respect to which any payment is made under any other section of this Act.

Restriction.

State plan.

“(c) The Secretary shall approve a State evaluation and work adjustment plan which:

Ante, p. 300.

“(1) Designates as the State evaluation and work adjustment agency the same agency designated under section 5(a) of this Act (other than the State blind commission or other agency providing assistance or services to the adult blind).

“(2) Provides for financial participation by the State, which may include non-Federal funds donated to the State.

“(3) Shows the plan, policies, and methods to be followed in providing services under the State evaluation and work adjustment plan and in its administration and supervision, and, in case evaluation and work adjustment services cannot be provided all disadvantaged individuals who apply for such services, shows the order to be followed in selecting those to whom evaluation and work adjustment services will be provided.

“(4) Provides such methods of administration, other than methods relating to the establishment and maintenance of personnel standards, as are found by the Secretary to be necessary for the proper and efficient administration of the plan.

“(5) Contains provisions relating to the establishment and maintenance of personnel standards and the establishment and maintenance of minimum standards governing the facilities and personnel utilized in the provision of evaluation and work adjustment services consistent with the provisions of the State plan for vocational rehabilitation services.

“(6) Provides that evaluation and work adjustment services will be provided without regard to whether or not the disadvantaged individual is in financial need, except to the extent provided for under paragraph (3).

“(7) Provides that the State agency will make such reports, in such form and containing such information, as the Secretary may from time to time reasonably require to carry out his functions under this section, and comply with such provisions as he may from time to time find necessary to assure the correctness and verification of such reports.

“(8) Provides for cooperation by the State agency with other public and private agencies concerned with disadvantaged individuals and joint undertakings to further the effectiveness of evaluation and work adjustment services for such individuals.

Withholding of payments; appeal.

68 Stat. 658.
29 USC 35.
Ante, pp. 298,
299.

“(d) The Secretary shall discontinue payments under this section in the same manner and on the same basis as he is required by section 5(c) to discontinue payments under sections 2 and 3, and judicial review of such action shall be had in the same manner as is provided in section 5(d) for similar action taken by him under section 5(c).

“(e) Payments under this section may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installment and on such conditions, as the Secretary may determine.”

PRESIDENT'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED

SEC. 14. The joint resolution entitled “Joint resolution authorizing an appropriation for the work of the President's Committee on National Employ the Physically Handicapped Week”, approved July 11, 1949, as amended (63 Stat. 409), is amended (1) by striking out the word “physically” wherever it appears, and (2) by striking out “not to exceed the sum of \$500,000” and inserting in lieu thereof “not to exceed the sum of \$1,000,000”.

79 Stat. 1294.

Approved July 7, 1968.

Public Law 90-392

AN ACT

Making supplemental appropriations for the fiscal year ending June 30, 1968, and for other purposes.

July 9, 1968

[H. R. 17734]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, to supply supplemental appropriations (this Act may be cited as the "Second Supplemental Appropriation Act, 1968") for the fiscal year ending June 30, 1968, and for other purposes, namely:

Second Supplemental Appropriation Act, 1968.

TITLE I

CHAPTER I

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

Not to exceed \$5,000,000 shall be released from the amount reserved, under the appropriation granted under this head, pursuant to Public Law 90-218, for increased pay and postage costs as may be necessary in the subappropriations under such appropriation: *Provided*, That the amount available in such appropriation for plans, construction, and improvement of facilities is decreased from "\$4,735,000" to "\$4,635,000".

81 Stat. 662.

EXTENSION SERVICE

COOPERATIVE EXTENSION WORK, PAYMENTS AND EXPENSES

Not to exceed \$273,000 shall be released from the amount reserved, under the appropriation granted under this head, pursuant to Public Law 90-218, for increased pay and postage costs as may be necessary in the subappropriations under such appropriation.

ECONOMIC RESEARCH SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$368,000, to be derived by transfer from the amount reserved, under the appropriation for "Salaries and expenses", Agricultural Research Service, pursuant to Public Law 90-218: *Provided*, That the amount of \$7,000 reserved, under the appropriation granted under this head, pursuant to Public Law 90-218, shall be released for increased postage costs.

STATISTICAL REPORTING SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$419,000, to be derived by transfer from the amount reserved, under the appropriation for "Salaries and expenses", Agricultural Research Service, pursuant to Public Law 90-218: *Provided*, That the amount of \$89,000 reserved, under the appropriation granted under this head, pursuant to Public Law 90-218, shall be released for increased postage costs.

CONSUMER AND MARKETING SERVICE

CONSUMER PROTECTIVE, MARKETING, AND REGULATORY PROGRAMS

81 Stat. 662.

For an additional amount for "Consumer protective, marketing, and regulatory programs", \$6,183,000, to be derived by transfer from the amounts reserved, pursuant to Public Law 90-218, under appropriations available to the Department of Agriculture, as follows:

"Cropland conversion program", Agricultural Stabilization and Conservation Service, \$2,833,000; and
"School lunch program", Consumer and Marketing Service, \$3,350,000:

Provided, That the amount of \$1,197,000 reserved, under the appropriation granted under this head, pursuant to Public Law 90-218, shall be released for increased costs of meat inspection activities.

SCHOOL LUNCH PROGRAM

Ante, p. 117.

For an additional amount for "School lunch program", fiscal year 1969, for the special food service programs for children, including State and Federal administrative expenses therefor, pursuant to the Act of May 8, 1968 (Public Law 90-302), \$10,000,000.

FOOD STAMP PROGRAM

Not to exceed \$6,000 shall be released for increased postage costs from the amount reserved, under the appropriation granted under this head, pursuant to Public Law 90-218.

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

Not to exceed \$267,000 shall be released for increased pay and postage costs from the amount reserved, under the appropriation granted under this head, pursuant to Public Law 90-218.

COMMODITY EXCHANGE AUTHORITY

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$69,000, to be derived by transfer from the amount reserved, under the appropriation for "Salaries and expenses", Agricultural Research Service, pursuant to Public Law 90-218.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

EXPENSES, AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

For an additional amount for "Expenses, Agricultural Stabilization and Conservation Service", \$2,396,000, to be derived by transfer from the amount reserved, under the appropriation for "Cropland conversion program", Agricultural Stabilization and Conservation Service, pursuant to Public Law 90-218: *Provided*, That the amount of \$32,000 reserved, under the appropriation granted under this head, pursuant to Public Law 90-218, shall be released for increased postage costs.

OFFICE OF THE INSPECTOR GENERAL

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$153,000, to be derived by transfer from the amount reserved, under the appropriation for "Salaries and expenses", Agricultural Research Service, pursuant to Public Law 90-218: *Provided*, That the amount of \$6,000 reserved, under the appropriation under this head, pursuant to Public Law 90-218, shall be released for increased pay and postage costs.

81 Stat. 662.

PACKERS AND STOCKYARDS ACT

For an additional amount for "Packers and stockyards act", \$71,000, to be derived by transfer from the amount reserved, under the appropriation for "Salaries and expenses", Agricultural Research Service, pursuant to Public Law 90-218: *Provided*, That the amount of \$1,000 reserved, under the appropriation granted under this head, pursuant to Public Law 90-218, shall be released for increased postage costs.

42 Stat. 159.
7 USC 181.

OFFICE OF THE GENERAL COUNSEL

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$161,000, to be derived by transfer from the amount reserved, under the appropriation for "Salaries and expenses", Agricultural Research Service, pursuant to Public Law 90-218: *Provided*, That not to exceed \$1,000 of the amount reserved, under the appropriation granted under this head, pursuant to Public Law 90-218, shall be released for increased postage costs.

NATIONAL AGRICULTURAL LIBRARY

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$30,000, to be derived by transfer from the amount reserved, under the appropriation for "Salaries and expenses", Agricultural Research Service, pursuant to Public Law 90-218: *Provided*, That not to exceed \$1,000 of the amount reserved, under the appropriation granted under this head, pursuant to Public Law 90-218, shall be released for increased pay and postage costs.

OFFICE OF MANAGEMENT SERVICES

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$79,000, to be derived from the amount reserved, under the appropriation for "Salaries and expenses", Agricultural Research Service, pursuant to Public Law 90-218: *Provided*, That the amount of \$2,000 reserved, under the appropriation granted under this head, pursuant to Public Law 90-218, shall be released for increased postage costs.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$111,000, to be derived by transfer from the amount reserved, under the appropriation for "Salaries and expenses", Agricultural Research Service, pursuant to Public Law 90-218: *Provided*, That the amount of \$2,000

81 Stat. 662.

reserved, under the appropriation granted under this head, pursuant to Public Law 90-218, shall be released for increased pay and postage costs.

FARMERS HOME ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$1,530,000, to be derived by transfer from the amount reserved, under the appropriation for "Cropland conversion program", Agricultural Stabilization and Conservation Service, pursuant to Public Law 90-218: *Provided*, That the amount of \$47,000 reserved, under the appropriation granted under this head, pursuant to Public Law 90-218, shall be released for increased postage costs.

FEDERAL CROP INSURANCE CORPORATION

ADMINISTRATIVE AND OPERATING EXPENSES

For an additional amount for "Administrative and operating expenses", \$281,000, to be derived by transfer from the amount reserved, under the appropriation for "Cropland conversion program", Agricultural Stabilization and Conservation Service, pursuant to Public Law 90-218: *Provided*, That the amount of \$4,000 reserved, under the appropriation granted under this head, pursuant to Public Law 90-218, shall be released for increased postage costs.

CHAPTER II

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve personnel, Navy", \$2,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and maintenance, Army", \$52,757,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and maintenance, Navy", \$38,941,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and maintenance, Marine Corps", \$1,950,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and maintenance, Air Force", \$36,000,000, and, in addition, \$6,600,000 to be derived by transfer from amounts available for reserve pursuant to Public Law 90-218 under the appropriation "Operation and maintenance, Air National Guard".

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For an additional amount for "Operation and maintenance, Defense Agencies", \$23,079,000.

CLAIMS, DEFENSE

For an additional amount for "Claims, Defense", \$8,000,000, to be derived by transfer from the appropriation "Contingencies, Defense".

EMERGENCY FUND, SOUTHEAST ASIA

For an additional amount for "Emergency Fund, Southeast Asia," \$3,750,950,000, and \$2,345,000,000 reserved from obligation by the Secretary of Defense in accordance with Public Law 90-218, is hereby made available, pursuant to section 206 of that law, for use in the fiscal year 1968 to offset special Vietnam costs: *Provided*, That funds made available under this head may also be used in connection with military activities in the Republic of Korea.

81 Stat. 663.

GENERAL PROVISION

The amount of the limitation contained in section 606 of the Department of Defense Appropriations Act, 1968, is hereby increased by \$2,500,000.

Limitation increase.
81 Stat. 242.

CHAPTER III

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For an additional amount for "Federal payment to the District of Columbia", for the general fund of the District of Columbia, \$6,020,800, which together with balances of previous appropriations for this purpose, shall remain available until expended.

LOANS TO THE DISTRICT OF COLUMBIA FOR CAPITAL OUTLAY

For an additional amount for "Loans to the District of Columbia for capital outlay", \$3,688,000, to remain available until expended and to be advanced upon request of the Commissioner to the general fund.

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

General Operating Expenses

For an additional amount for "General operating expenses", \$1,535,558, of which \$2,700 shall be payable from the highway fund (including \$1,800 from the motor vehicle parking account), \$900 from the water fund, and \$300 from the sanitary sewage works fund: *Provided*, That \$1,000,000 of this appropriation shall remain available until September 30, 1968, for the purpose of conducting a summer program for children and youth.

Summer program.

Public Safety

For an additional amount for "Public safety", \$6,466,076, of which \$700 shall be payable from the highway fund, \$200 from the water fund, and \$200 from the sanitary sewage works fund.

Education

For an additional amount for "Education", \$5,690,000: *Provided*, That \$675,000 of this appropriation shall remain available until September 30, 1968, for the purpose of conducting summer programs for children and youth.

Health and Welfare

For an additional amount for "Health and Welfare", \$2,214,000.

Settlement of Claims and Suits

For payment of claims in excess of \$250, approved by the Commissioner in accordance with the provisions of the Act of February 11, 1929, as amended (45 Stat. 1160; 46 Stat. 500; 65 Stat. 131), \$36,800.

D.C. Code
1-902 to 1-906.

Capital Outlay

For an additional amount for "Capital outlay", to remain available until expended, \$847,000, of which \$77,000 shall be available for construction services by the Director of Buildings and Grounds or by contract for architectural engineering services, as may be determined by the Commissioner.

Division of Expenses

The sums appropriated herein for the District of Columbia shall, unless otherwise specifically provided for, be paid out of the general fund of the District of Columbia.

CHAPTER IV

FOREIGN OPERATIONS

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN ASSISTANCE

MILITARY ASSISTANCE

For an additional amount for "Military assistance", \$100,000,000.

CHAPTER V

INDEPENDENT OFFICES

CIVIL SERVICE COMMISSION

ANNUITIES UNDER SPECIAL ACTS

For an additional amount for "Annuities under special acts", \$78,000.

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

CONSTRUCTION, PUBLIC BUILDINGS PROJECTS

For an additional amount for "Construction, public buildings projects" for construction of Federal Office Building Numbered 5, District of Columbia, \$3,000,000, to remain available until expended: *Provided*, That, in addition, savings effected in other projects under the appropriation for "Construction, public buildings projects" shall be avail-

able for the foregoing project but in an amount not to exceed 10 per centum of the amount appropriated herein.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$6,720,000.

VETERANS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", \$47,500,000, to remain available until expended.

GENERAL OPERATING EXPENSES

For an additional amount for "General operating expenses", \$6,000,000.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

RENEWAL AND HOUSING ASSISTANCE

LOW RENT PUBLIC HOUSING ANNUAL CONTRIBUTIONS

For additional amounts for "Annual contributions", \$6,042,000 for the fiscal year 1967, and \$20,000,000 for the fiscal year 1968.

CHAPTER VI

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for "Management of lands and resources", \$9,733,000.

BUREAU OF INDIAN AFFAIRS

EDUCATION AND WELFARE SERVICES

For an additional amount for "Education and welfare services", \$5,732,000.

RESOURCES MANAGEMENT

For an additional amount for "Resources management", \$1,972,000.

OFFICE OF TERRITORIES

TRUST TERRITORY OF THE PACIFIC ISLANDS

For an additional amount for "Trust Territory of the Pacific Islands", \$6,200,000.

NATIONAL PARK SERVICE

MANAGEMENT AND PROTECTION

For an additional amount for "Management and protection", \$4,182,000.

CONSTRUCTION

For an additional amount for "Construction", to remain available until expended, \$560,000, to be derived by transfer from balances remaining unobligated on June 30, 1968, in annual appropriations to the Department of the Interior.

OFFICE OF SALINE WATER

PROTOTYPE DESALTING PLANT

81 Stat. 16.

For participation in the construction, operation, and maintenance of a large prototype desalting plant in Southern California, as authorized by the Act of May 19, 1967 (Public Law 90-18), \$1,000,000, to remain available until expended.

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST PROTECTION AND UTILIZATION

81 Stat. 662.

For an additional amount for "Forest protection and utilization", for "Forest land management", \$38,975,000, of which the following amounts shall be derived by transfer from amounts reserved, pursuant to Public Law 90-218, under appropriations available to the Department of Agriculture, as follows:

"Salaries and expenses", Agricultural Research Service, \$2,546,000;

"Payments and expenses", Cooperative State Research Service, \$4,155,000;

"Cooperative extension work, payments and expenses", Extension Service, \$3,114,000;

"School lunch program", Consumer and Marketing Service, \$1,578,000;

"Salaries and expenses", Foreign Agricultural Service, \$987,000;

"Cropland conversion program", Agricultural Stabilization and Conservation Service, \$272,000; and

"Rural water and waste disposal grants", Farmers Home Administration, \$2,000,000;

Provided, That in addition, not to exceed \$6,477,000 shall be available from the amount reserved, under the appropriation "Forest protection and utilization", pursuant to Public Law 90-218, for such increased pay costs and expenses of fighting forest fires as may be necessary in the subappropriations under such appropriation.

FOREST ROADS AND TRAILS (CONTRACT AUTHORIZATION)

Not to exceed \$1,382,000 shall be available for increased pay costs from the amount reserved, under the contract authorization granted under this head, pursuant to Public Law 90-218.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PUBLIC HEALTH SERVICE

INDIAN HEALTH ACTIVITIES

For an additional amount for "Indian Health Activities", \$2,857,000, to be derived by transfer from the amounts reserved pursuant to Public Law 90-218, under appropriations available to the Public Health Service, as follows:

81 Stat. 662.

- "Communicable diseases", \$419,000;
- "National Institute of Neurological Diseases and Blindness", \$1,677,000;
- "National Institute of Allergy and Infectious Diseases", \$180,000; and
- "Mental health research and services", \$581,000.

HISTORICAL AND MEMORIAL COMMISSIONS

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Act of July 4, 1966 (Public Law 89-491), as amended, establishing the American Revolution Bicentennial Commission, \$150,000, to remain available until expended.

80 Stat. 259;
81 Stat. 567.

CHAPTER VII

DEPARTMENT OF LABOR

MANPOWER ADMINISTRATION

MANPOWER DEVELOPMENT AND TRAINING ACTIVITIES

For an additional amount to carry out the provisions of section 102 of the Manpower Development and Training Act of 1962, as amended, \$13,000,000, to remain available until August 31, 1968.

76 Stat. 24;
79 Stat. 75.
42 USC 2572.DEPARTMENT OF HEALTH, EDUCATION, AND
WELFARE

OFFICE OF EDUCATION

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

For an additional amount for payments to local educational agencies for the maintenance and operation of schools as authorized by title I of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as amended, \$90,965,000, to remain available until July 31, 1968: *Provided*, That funds appropriated, or otherwise made available, by this Act for the fiscal year 1968, shall remain available for obligation for five days after the date of approval of this Act unless a longer period is specifically provided: *Provided further*, That all obligations incurred in anticipation of such appropriations and authority for the fiscal year 1968 as well as those for longer periods as set forth herein are hereby ratified and confirmed if in accordance with the terms hereof.

64 Stat. 1100;
81 Stat. 783.
20 USC 236-244.

VOCATIONAL REHABILITATION ADMINISTRATION

GRANTS FOR REHABILITATION SERVICES AND FACILITIES

For an additional amount for grants for State planning for the development of comprehensive vocational rehabilitation programs under section 4(a)(2)(B) of the Vocational Rehabilitation Act, as amended, not to exceed \$1,900,000 to be derived from amounts heretofore appropriated for other vocational rehabilitation activities, excluding funds for rehabilitation services under section 2 of the Vocational Rehabilitation Act, as amended, and not withstanding specific limitations set forth in the Department of Health, Education, and Welfare Appropriation Act, 1968, for the various activities authorized by the Vocational Rehabilitation Act, as amended: *Provided*. That the foregoing amount, together with amounts heretofore appropriated for grants under such section 4(a)(2)(B), shall remain available until June 30, 1969.

79 Stat. 1290;
81 Stat. 251.
29 USC 34.
Ante, p. 299.
29 USC 32.

81 Stat. 390.

PUBLIC HEALTH SERVICE

AIR POLLUTION

For an additional amount for "Air pollution", \$355,000, to be derived from the amount reserved, under the appropriation granted under this head, pursuant to Public Law 90-218.

81 Stat. 662.

COMMUNITY HEALTH SERVICES

For an additional amount for "Community health services", \$324,000, to be derived from the amount reserved, under the appropriation granted under this head, pursuant to Public Law 90-218.

COMPREHENSIVE HEALTH PLANNING AND SERVICES

For an additional amount for "Comprehensive health planning and services", \$60,000, to be derived by transfer from the amount reserved, under the appropriation granted under this head, pursuant to Public Law 90-218.

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON SALARIES AND EXPENSES

For an additional amount for "Limitation on salaries and expenses", Social Security Administration, \$83,828,000, to be expended, as authorized by section 201(g)(1) of the Social Security Act, as amended, from any one or all of the trust funds referred to therein.

79 Stat. 338.
42 USC 401.

PAYMENT TO TRUST FUNDS FOR HEALTH INSURANCE FOR THE AGED

For an additional amount for "Payment to trust funds for health insurance for the aged", \$373,028,000.

WELFARE ADMINISTRATION

WORK INCENTIVE ACTIVITIES

For carrying out a work incentive program, as authorized by Part C of Title IV of the Social Security Act, and for related child-care services, as authorized by Part A of Title IV of the Act, \$10,000,000, to be derived by transfer from the amounts reserved, pursuant to Public Law 90-218, under appropriations available to the Office of Education, as follows:

81 Stat. 884.
42 USC 630.
49 Stat. 627;
81 Stat. 911.
42 USC 601.

“School assistance in federally affected areas”, \$500,000; and
“Elementary and secondary educational activities”, \$9,500,000;
Provided, That not to exceed \$9,000,000 of the sum available herein
shall be transferred to the Secretary of Labor, as authorized by section
431 of the Act.

81 Stat. 884.
42 USC 631.

GRANTS TO STATES FOR PUBLIC ASSISTANCE

For an additional amount for “Grants to States for public assistance”, \$1,135,000,000.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

Not to exceed \$36,000 shall be available for increased pay costs and referee expenses from the amount reserved, under the appropriation granted under this head, pursuant to Public Law 90-218.

81 Stat. 662.

RAILROAD RETIREMENT BOARD

LIMITATION ON SALARIES AND EXPENSES

For an additional amount for “Limitation on salaries and expenses”, \$1,300,000, of which \$1,285,000 shall be derived from the “Railroad Retirement account”, and \$15,000 shall be derived from the “Railroad Retirement supplemental account”, as authorized by the Act of October 30, 1966 (Public Law 89-699).

80 Stat. 1074.
45 USC 228o.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF ECONOMIC OPPORTUNITY

ECONOMIC OPPORTUNITY PROGRAM

For an additional amount for expenses necessary to carry out Headstart programs provided for by law pursuant to section 222(a) (1) of the Economic Opportunity Act of 1964, as amended, \$5,000,000, to remain available until August 31, 1968.

81 Stat. 698.
42 USC 2809.

CHAPTER VIII

LEGISLATIVE BRANCH

SENATE

For payment to Ethel Kennedy, widow of Robert F. Kennedy, late a Senator from the State of New York, \$30,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For an additional amount for “Inquiries and investigations”, fiscal year 1968, \$365,000.

HOUSE OF REPRESENTATIVES

SALARIES, OFFICERS AND EMPLOYEES

Committee Employees

For an additional amount for “Committee employees”, \$125,000.

MEMBERS' CLERK HIRE

For an additional amount for "Members' clerk hire", \$600,000.

CONTINGENT EXPENSES OF THE HOUSE

Miscellaneous Items

For an additional amount for "Miscellaneous items", \$650,000.
The provisions of House Resolutions 161, 464, 506, and 1003, Ninetieth Congress, shall be the permanent law with respect thereto.

CHAPTER IX

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES AND GENERAL ADMINISTRATION

ALIEN PROPERTY ACTIVITIES

Limitation on General Administrative Expenses

In addition to the amount made available under this head for general administrative expenses for the current fiscal year, \$86,000 shall be available for transfer to the appropriation for "Salaries and expenses, General legal activities", for such administrative expenses.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$5,738,000.

FEDERAL PRISON SYSTEM

SUPPORT OF UNITED STATES PRISONERS

For an additional amount for "Support of United States prisoners", \$1,300,000.

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ASSISTANCE

DEVELOPMENT FACILITIES

81 Stat. 420.

42 USC 3188a.

The appropriation granted under this head in the Department of Commerce Appropriation Act, 1968, shall be available for supplements to Federal grant-in-aid programs, as authorized by Title V of the Public Works and Economic Development Act of 1965, as amended (79 Stat. 565; 81 Stat. 266).

INTERNATIONAL ACTIVITIES

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$1,000,000, of which \$769,000 shall remain available for international trade promotions until June 30, 1969.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL
SERVICES

SALARIES OF JUDGES

For an additional amount for "Salaries of judges", \$180,000.

FEES OF JURORS AND COMMISSIONERS

For an additional amount for "Fees of jurors and commissioners", \$350,000.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, including travel, advertising, and rent in the District of Columbia and elsewhere, \$40,000.

RELATED AGENCIES

UNITED STATES INFORMATION AGENCY

SPECIAL INTERNATIONAL EXHIBITIONS

For an additional amount for "Special international exhibitions", for United States participation in the World Exposition to be held in Osaka, Japan, in 1970, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), including not to exceed \$15,000 for official reception and representation expenses, to remain available until expended, \$9,307,000, of which \$1,431,000 shall be derived by transfer from the amount reserved under the appropriation available to the United States Information Agency for "Salaries and expenses", pursuant to Public Law 90-218: *Provided*, That not less than fifty per centum of the amount appropriated herein shall be paid in Japanese yen accrued under the Settlement on Post War Economic Assistance between the United States and Japan, dated January 9, 1962: *Provided further*, That this appropriation shall be available without regard to 5 U.S.C. 3108.

75 Stat. 527.

81 Stat. 662.

80 Stat. 416.

CHAPTER X

TREASURY DEPARTMENT

BUREAU OF ACCOUNTS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$5,138,000, and release of \$12,000 pursuant to Public Law 90-218.

BUREAU OF CUSTOMS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$837,000, and release of \$2,163,000 pursuant to Public Law 90-218.

BUREAU OF NARCOTICS

SALARIES AND EXPENSES

81 Stat. 662. For an additional amount for "Salaries and expenses", \$88,000, and release of \$203,000 pursuant to Public Law 90-218.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For an additional amount for "Administering the public debt", \$455,000, and release of \$260,000 pursuant to Public Law 90-218.

INTERNAL REVENUE SERVICE

SALARIES AND EXPENSES

Release of \$559,000 pursuant to Public Law 90-218.

REVENUE ACCOUNTING AND PROCESSING

For an additional amount for "Revenue accounting and processing", \$2,314,000, and in addition \$77,000 to be derived by transfer from the amount reserved under the appropriation for "Salaries and expenses", Internal Revenue Service, pursuant to Public Law 90-218 and release of \$2,668,000 pursuant to Public Law 90-218.

COMPLIANCE

For an additional amount for "Compliance", \$1,990,000, and release of \$12,935,000 pursuant to Public Law 90-218.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$350,000, and release of \$516,000 pursuant to Public Law 90-218.

POST OFFICE DEPARTMENT

(Out of Postal Fund)

SUPPLIES AND SERVICES

For an additional amount for "Supplies and services", \$3,000,000, and in addition, \$2,800,000 to be derived by transfer from "Transportation."

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

Release of \$28,000 pursuant to Public Law 90-218.

INDEPENDENT AGENCY

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, established by the Administrative Conference Act (78 Stat. 615), \$67,000, to be available from January 8, 1968.

5 USC 571-576
and notes.

CHAPTER XI

CLAIMS AND JUDGMENTS

For payment of claims settled and determined by departments and agencies in accord with law and judgments rendered against the United States by the United States Court of Claims and United States district courts, as set forth in House Document Numbered 317, Ninetieth Congress, \$16,687,049, together with such amounts as may be necessary to pay interest (as and when specified in such judgments or provided by law) and such additional sums due to increases in rates of exchange as may be necessary to pay claims in foreign currency: *Provided*, That no judgment herein appropriated for shall be paid until it shall become final and conclusive against the United States by failure of the parties to appeal or otherwise: *Provided further*, That unless otherwise specifically required by law or by the judgment, payment of interest wherever appropriated for herein shall not continue for more than thirty days after the date of approval of the Act.

TITLE II

INCREASED PAY COSTS

For additional amounts for appropriations for the fiscal year 1968, for increased pay costs authorized by or pursuant to law, as follows:

LEGISLATIVE BRANCH

SENATE

Compensation of the Vice President and Senators, \$1,305.
Salaries, officers and employees, \$315,689.
Office of the Legislative Counsel, \$10,955.

CONTINGENT EXPENSES OF THE SENATE

Senate policy committees, \$13,240.
Automobiles and maintenance, \$1,200.
Inquiries and investigations, \$174,990, including \$6,020 for the Committee on Appropriations.
Folding documents, \$1,105.
Miscellaneous items, \$38,090, including \$6,000 for payment to the Architect of the Capitol in accordance with section 4 of Public Law 87-82, approved July 1, 1961.

75 Stat. 199.
40 USC 174j-4.

HOUSE OF REPRESENTATIVES

SALARIES, OFFICERS AND EMPLOYEES

"Office of the Speaker", \$4,485.
"Office of the Parliamentarian", \$3,930.
"Compilation of precedents", \$405.

"Office of the Chaplain", \$540.
 "Office of the Postmaster", \$18,570.
 "Committee employees", \$231,340.
 "Minority employees", \$4,230.
 "Democratic steering committee", \$1,615.
 Special and minority employees:
 "Republican conference", \$1,615;
 "Majority leader", \$3,465;
 "Minority leader", \$3,145;
 "Majority whip", \$2,330;
 "Minority whip", \$2,330;
 "Printing clerks", \$575; and
 "Technical assistant in the office of the attending physician",
 \$510.
 "Official reporters of debates", \$9,355.
 "Official reporters to committees", \$9,250.
 "Appropriations committee", \$25,315.

MEMBERS' CLERK HIRE

"Members' clerk hire", \$1,217,700.

CONTINGENT EXPENSES OF THE HOUSE

"Special and select committees", \$131,625.
 "Revision of the laws", \$945.
 "Speaker's automobile", \$440.
 "Majority leader's automobile", \$440.
 "Minority leader's automobile", \$440.

JOINT ITEMS

"Joint Committee on Reduction of Federal Expenditures", \$1,310,
to remain available until expended.

CONTINGENT EXPENSES OF THE SENATE

"Joint Economic Committee", \$11,645.
 "Joint Committee on Atomic Energy", \$10,340.
 "Joint Committee on Printing", \$6,330.

CONTINGENT EXPENSES OF THE HOUSE

"Joint Committee on Internal Revenue Taxation", \$16,200.
 "Joint Committee on Defense Production", \$2,955.

ARCHITECT OF THE CAPITOL

Office of the Architect of the Capitol: "Salaries", \$20,000;
 Capitol buildings and grounds:
 "Capitol buildings", \$23,000;
 "Capitol grounds", \$19,500;
 "Senate garage", \$2,000;
 "Capitol power plant", \$10,000;
 Library buildings and grounds: "Structural and mechanical care",
 \$22,000;

BOTANIC GARDEN

"Salaries and expenses", \$13,000;

LIBRARY OF CONGRESS

"Salaries and expenses": Not to exceed \$156,000 of the amount allocated for rental of space under this heading, fiscal year 1968, may be used for increased pay costs.

Copyright Office, "Salaries and expenses", \$81,032, to be derived by transfer from the appropriation "Salaries and expenses", Library of Congress, fiscal year 1968.

Legislative Reference Service, "Salaries and expenses", \$110,323, to be derived by transfer from the appropriation "Salaries and expenses", Books for the blind and physically handicapped, fiscal year 1968.

"Collection and distribution of library materials (special foreign currency program)", \$6,443, to be derived by transfer from the appropriation "Salaries and expenses", Books for the blind and physically handicapped, fiscal year 1968.

GOVERNMENT PRINTING OFFICE

Office of Superintendent of Documents, "Salaries and expenses", \$110,000, and, in addition, not to exceed \$25,000 of the \$200,000 reserve fund under this head for the current fiscal year may be used for increased pay costs.

GENERAL ACCOUNTING OFFICE

"Salaries and expenses", \$1,559,000.

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

"Care of the building and grounds", \$6,900.

COURT OF CLAIMS

"Salaries and expenses", \$20,000.

COURT OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

"Salaries of supporting personnel", \$660,000.

"Expenses of referees", \$60,000, to be derived from the "Referees salary and expense fund".

EXECUTIVE OFFICE OF THE PRESIDENT

EXECUTIVE MANSION

"Operating expenses, Executive Mansion": (Release of \$23,000 pursuant to Public Law 90-218).

81 Stat. 662.

BUREAU OF THE BUDGET

"Salaries and expenses": (Release of \$152,000 pursuant to Public Law 90-218).

NATIONAL AERONAUTICS AND SPACE COUNCIL

"Salaries and expenses": (Release of \$5,000 pursuant to Public Law 90-218).

NATIONAL COUNCIL ON MARINE RESOURCES AND ENGINEERING DEVELOPMENT, AND COMMISSION ON MARINE SCIENCE, ENGINEERING, AND RESOURCES

81 Stat. 662. "Salaries and expenses": (Release of \$10,000 pursuant to Public Law 90-218).

NATIONAL SECURITY COUNCIL

"Salaries and expenses": (Release of \$17,000 pursuant to Public Law 90-218).

OFFICE OF EMERGENCY PLANNING

"Salaries and expenses", \$133,000, of which \$15,000 shall be derived by transfer from "Salaries and expenses, Telecommunications", fiscal year 1968, and \$118,000 shall be derived by transfer from "State and local preparedness".

"Civil defense and defense mobilization functions of Federal agencies", \$102,000.

SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

"Salaries and expenses", \$11,000.

FUNDS APPROPRIATED TO THE PRESIDENT

ECONOMIC ASSISTANCE

"Administrative expenses", Agency for International Development, \$1,065,000, to be derived by transfer from appropriations for "Economic assistance", fiscal year 1968;

"Administrative and other expenses", Department of State, \$60,000, to be derived by transfer from appropriations for "Economic assistance", fiscal year 1968.

DEPARTMENT OF AGRICULTURE

COOPERATIVE STATE RESEARCH SERVICE

"Payments and expenses": (Release of \$45,000 pursuant to Public Law 90-218, for such increased pay costs as may be necessary in the subappropriations under such appropriation);

FARMER COOPERATIVE SERVICE

"Salaries and expenses", \$37,000, to be derived by transfer from the amount reserved under "Salaries and expenses", Agricultural Research Service, pursuant to Public Law 90-218;

SOIL CONSERVATION SERVICE

"Conservation operations", \$1,475,000, to be derived by transfer from the amount reserved under "Salaries and expenses", Agricultural Research Service, pursuant to Public Law 90-218; (and release of \$2,025,000 pursuant to Public Law 90-218);

"Watershed planning", \$192,000, to be derived by transfer from the amount reserved under "Salaries and expenses", Agricultural Research Service, pursuant to Public Law 90-218; (and release of \$4,000 pursuant to Public Law 90-218);

"Watershed protection": (Release of \$1,071,000 pursuant to Public Law 90-218);

"Flood prevention": (Release of \$309,000 pursuant to Public Law 90-218);

"Great plains conservation program": (Release of \$117,000 pursuant to Public Law 90-218);

81 Stat. 662.

"Resource conservation and development", \$120,000, to be derived by transfer from the amount reserved under "Salaries and expenses", Agricultural Research Service, pursuant to Public Law 90-218; (and release of \$3,000 pursuant to Public Law 90-218);

CONSUMER AND MARKETING SERVICE

"School lunch program": (Release of \$53,000 pursuant to Public Law 90-218);

RURAL ELECTRIFICATION ADMINISTRATION

"Salaries and expenses", \$248,000, to be derived by transfer from the amount reserved under "Cropland conversion program", Agricultural Stabilization and Conservation Service, pursuant to Public Law 90-218; (and release of \$6,000 pursuant to Public Law 90-218);

OFFICE OF INFORMATION

"Salaries and expenses", \$37,000, to be derived by transfer from the amount reserved under "Salaries and expenses", Agricultural Research Service, pursuant to Public Law 90-218; (and release of \$1,000 pursuant to Public Law 90-218).

DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

"Salaries and expenses", \$150,000.

OFFICE OF BUSINESS ECONOMICS

"Salaries and expenses", \$80,000.

BUREAU OF THE CENSUS

"Salaries and expenses", \$400,000.

"Preparation for nineteenth decennial census": (Release of \$201,000 pursuant to Public Law 90-218).

"1967 economic census": (Release of \$207,000 pursuant to Public Law 90-218).

ECONOMIC DEVELOPMENT ASSISTANCE

"Operations and administration", \$225,000.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION

"Salaries and expenses", \$143,000.

INTERNATIONAL ACTIVITIES

"Export control", \$104,000.

OFFICE OF FIELD SERVICES

"Salaries and expenses", \$98,000.

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

"Salaries and expenses", \$2,200,000.

"Research and development", \$400,000.

PATENT OFFICE

"Salaries and expenses", \$800,000.

NATIONAL BUREAU OF STANDARDS

"Research and technical services", \$700,000.

MARITIME ADMINISTRATION

"Maritime training", \$100,000.

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

"Military personnel, Army", \$65,000,000; (and release of \$59,900,000 pursuant to Public Law 90-218).

"Military personnel, Navy", \$105,000,000.

"Military personnel, Marine Corps", \$33,700,000, of which \$14,145,000 shall be derived by transfer from amounts reserved pursuant to Public Law 90-218 under the appropriation "Reserve personnel, Army", and \$19,555,000 shall be derived by transfer from amounts reserved pursuant to Public Law 90-218 under the appropriation "National Guard personnel, Army".

"Military personnel, Air Force", \$65,000,000; (and release of \$15,500,000 pursuant to Public Law 90-218).

"Reserve personnel, Navy", \$3,880,000, of which \$3,200,000 shall be derived by transfer from amounts reserved pursuant to Public Law 90-218 under the appropriation "National Guard personnel, Air Force", and \$680,000 shall be derived by transfer from amounts reserved pursuant to Public Law 90-218 under the appropriation "Reserve personnel, Air Force".

"Reserve personnel, Air Force", (release of \$1,000,000 pursuant to Public Law 90-218).

"National Guard personnel, Army", (release of \$10,127,000 pursuant to Public Law 90-218).

"National Guard personnel, Air Force", (release of \$1,000,000 pursuant to Public Law 90-218).

"Retired pay, Defense", \$75,000,000.

OPERATION AND MAINTENANCE

"Operation and maintenance, Army National Guard", \$1,828,000 to be derived by transfer from the amount reserved under "National Guard personnel, Army" pursuant to Public Law 90-218; (and release of \$1,300,000 pursuant to Public Law 90-218).

"Operation and maintenance, Air National Guard", (release of \$1,723,000 pursuant to Public Law 90-218).

"Court of Military Appeals", \$15,000.

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

Corps of Engineers—Civil:

"Operation and maintenance, general", \$3,000,000,

"General expenses", \$565,000.

Ryukyu Islands, Army: "Administration", \$122,000.

United States Soldiers' Home: "Operation and maintenance", \$190,000, to be paid from the Soldiers Home permanent fund.

DEPARTMENT OF HEALTH, EDUCATION, AND
WELFARE

FOOD AND DRUG ADMINISTRATION

"Salaries and expenses", (release of \$2,054,000 pursuant to Public Law 90-218).

81 Stat. 662.

OFFICE OF EDUCATION

"School assistance in federally affected areas": (Release of \$18,000 pursuant to Public Law 90-218).

"Higher educational activities": (Release of \$86,000 pursuant to Public Law 90-218).

"Salaries and expenses", \$194,000, to be derived by transfer from the amount reserved under "Elementary and secondary educational activities", Office of Education, pursuant to Public Law 90-218; (and release of \$666,000 reserved under "Salaries and expenses" pursuant to Public Law 90-218).

"Civil rights educational activities": (Release of \$29,000 pursuant to Public Law 90-218).

VOCATIONAL REHABILITATION ADMINISTRATION

"Salaries and expenses": (Release of \$50,000 pursuant to Public Law 90-218).

PUBLIC HEALTH SERVICE

Health manpower: "Health manpower education and utilization": (Release of \$270,000 pursuant to Public Law 90-218).

Disease prevention and environmental control:

"Chronic diseases": (Release of \$393,000 pursuant to Public Law 90-218);

"Communicable diseases": (Release of \$1,024,000 pursuant to Public Law 90-218);

"Urban and industrial health": (Release of \$390,000 pursuant to Public Law 90-218); and

"Radiological health": (Release of \$325,000 pursuant to Public Law 90-218).

HEALTH SERVICES

"Hospitals and medical care", \$1,844,000, to be derived by transfer from the amount reserved under "National Heart Institute", National Institutes of Health, pursuant to Public Law 90-218; (and release of \$82,000 reserved under this appropriation pursuant to Public Law 90-218).

"Hospital construction activities": (Release of \$152,000 pursuant to Public Law 90-218).

"Emergency health activities": (Release of \$133,000 pursuant to Public Law 90-218).

NATIONAL INSTITUTES OF HEALTH

"Biological standards": (Release of \$115,000 pursuant to Public Law 90-218).

"National Cancer Institute": (Release of \$726,000 pursuant to Public Law 90-218).

"National Heart Institute": (Release of \$380,000 pursuant to Public Law 90-218).

"National Institute of Dental Research": (Release of \$143,000 pursuant to Public Law 90-218).

81 Stat. 662.

"National Institute of Child Health and Human Development": (Release of \$127,000 pursuant to Public Law 90-218).

"National health statistics": (Release of \$174,000 pursuant to Public Law 90-218).

"National Library of Medicine": (Release of \$184,000 pursuant to Public Law 90-218).

"Office of the Surgeon General, salaries and expenses", \$47,000, to be derived by transfer from the amount reserved under "Health manpower education and utilization", Public Health Service, pursuant to Public Law 90-218; (and release of \$262,000 reserved under "Office of the Surgeon General, salaries and expenses" pursuant to Public Law 90-218).

SAINT ELIZABETHS HOSPITAL

"Salaries and expenses", \$980,000, to be derived by transfer from the amount reserved under "Mental health research and services", National Institute of Mental Health, pursuant to Public Law 90-218.

WELFARE ADMINISTRATION

"Bureau of Family Services, salaries and expenses": (Release of \$92,000 pursuant to Public Law 90-218).

"Children's Bureau, salaries and expenses": (Release of \$82,000 pursuant to Public Law 90-218).

"Office of the Commissioner, salaries and expenses": (Release of \$40,000 pursuant to Public Law 90-218).

"Assistance to Refugees in the United States": (Release of \$28,000 pursuant to Public Law 90-218).

ADMINISTRATION ON AGING

"Coordination and development of programs for the aging": (Release of \$35,000 pursuant to Public Law 90-218).

SPECIAL INSTITUTIONS

"Gallaudet College, salaries and expenses", \$41,000, to be derived by transfer from the amount reserved under "Higher educational activities", Office of Education, pursuant to Public Law 90-218.

"Howard University, salaries and expenses", \$234,000, to be derived by transfer from the amount reserved under "Higher educational activities", Office of Education, pursuant to Public Law 90-218.

"Freedmen's Hospital, salaries and expenses", \$237,000, to be derived by transfer from the amount reserved under "Higher educational activities", Office of Education, pursuant to Public Law 90-218.

OFFICE OF THE SECRETARY

"Salaries and expenses": (Release of \$166,000 pursuant to Public Law 90-218).

"Office of Field Coordination, salaries and expenses": (Release of \$101,000 pursuant to Public Law 90-218).

"Office of the Comptroller, salaries and expenses": (Release of \$233,000 pursuant to Public Law 90-218).

"Office of Administration, salaries and expenses": (Release of \$65,000 pursuant to Public Law 90-218).

"Surplus property utilization", \$39,000, to be derived by transfer from the amount reserved under "Office of Field Coordination, salaries and expenses", pursuant to Public Law 90-218.

"Office of the General Counsel, salaries and expenses": (Release of \$16,000 pursuant to Public Law 90-218).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

RENEWAL AND HOUSING ASSISTANCE

“Salaries and expenses”, \$853,600.

“Limitation on administrative expenses, college housing loans” (Increase of \$75,000 in the limitation for administrative expenses).

“Limitation on administrative expenses, housing for the elderly or handicapped” (Increase of \$40,000 in the limitation for administrative expenses).

METROPOLITAN DEVELOPMENT

“Salaries and expenses”, \$189,200.

“Limitation on administrative expenses, public facility loans” (Increase of \$40,000 in the limitation for administrative expenses).

Demonstrations and intergovernmental relations: “Salaries and expenses”, \$41,300, together with an additional amount of \$80,000, to be derived from the appropriation for “Model cities programs”.

Mortgage credit: “Limitation on administrative expenses, Federal National Mortgage Association” (Increase of \$200,000 in the limitation for administrative expenses).

DEPARTMENTAL MANAGEMENT

“General administration”, \$131,000.

“Regional management and services”, \$155,200.

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

“Construction and maintenance”: (Release of \$37,000 pursuant to Public Law 90-218).

81 Stat. 662.

BUREAU OF INDIAN AFFAIRS

“General administrative expenses”, \$125,000.

BUREAU OF OUTDOOR RECREATION

“Salaries and expenses”, \$95,000.

“Land and water conservation”: (Release of \$188,000 pursuant to Public Law 90-218).

OFFICE OF TERRITORIES

“Administration of territories”: (Release of \$37,000 pursuant to Public Law 90-218).

“Trust Territory of the Pacific Islands”: (Release of \$123,000 pursuant to Public Law 90-218).

GEOLOGICAL SURVEY

“Surveys, investigations, and research”, \$1,420,000; (and release of \$577,000 pursuant to Public Law 90-218).

BUREAU OF MINES

“Conservation and development of mineral resources”, \$645,000; (and release of \$100,000 pursuant to Public Law 90-218).

“Health and safety”, \$61,000; (and release of \$200,000 pursuant to Public Law 90-218).

81 Stat. 662.

"Solid waste disposal": (Release of \$33,000 pursuant to Public Law 90-218).

"General administrative expenses", \$41,000.

OFFICE OF OIL AND GAS

"Salaries and expenses", \$23,000, to be derived by transfer from the amount reserved under "Water supply and water pollution control", Federal Water Pollution Control Administration, pursuant to Public Law 90-218.

BUREAU OF COMMERCIAL FISHERIES

"Management and investigations of resources": (Release of \$435,000 pursuant to Public Law 90-218).

"Construction of fishing vessels", \$2,500, to be derived by transfer from the amount reserved under "Anadromous and Great Lakes fisheries conservation", Bureau of Commercial Fisheries, pursuant to Public Law 90-218.

"Federal aid for commercial fisheries research and development", \$5,500, to be derived by transfer from the amount reserved under "Anadromous and Great Lakes fisheries conservation", Bureau of Commercial Fisheries, pursuant to Public Law 90-218.

"Anadromous and Great Lakes fisheries conservation": (Release of \$5,000 pursuant to Public Law 90-218).

"General administrative expenses", \$27,000, to be derived by transfer from the amount reserved under "Anadromous and Great Lakes fisheries conservation", Bureau of Commercial Fisheries, pursuant to Public Law 90-218.

"Limitation on administrative expenses, Fisheries loan fund" (Increase of \$8,200 in the limitation for administrative expenses).

BUREAU OF SPORT FISHERIES AND WILDLIFE

"Management and investigations of resources", \$709,000, together with \$10,000 to be derived by transfer from the amount reserved under "Anadromous and Great Lakes fisheries conservation", Bureau of Commercial Fisheries, pursuant to Public Law 90-218; (and release of \$332,000 from the amount reserved under "Management and investigations of resources" pursuant to Public Law 90-218).

"Anadromous and Great Lakes fisheries conservation", \$5,000, to be derived by transfer from the amount reserved under "Anadromous and Great Lakes fisheries conservation", Bureau of Commercial Fisheries, pursuant to Public Law 90-218.

"General administrative expenses", \$45,000, to be derived by transfer from the amount reserved under "Anadromous and Great Lakes fisheries conservation", Bureau of Commercial Fisheries, pursuant to Public Law 90-218.

NATIONAL PARK SERVICE

"Maintenance and rehabilitation of physical facilities", \$506,000.

"General administrative expenses", \$75,000.

"Preservation of historic properties", \$13,000.

"Construction": (Release of \$134,000 pursuant to Public Law 90-218).

BUREAU OF RECLAMATION

"General investigations", including \$16,000 for investigations of programs in Alaska, and \$11,000 for transfer to the Bureau of Sport Fisheries and Wildlife for studies, investigations, and reports, to be derived by transfer from the amount reserved under "Operation and

maintenance", Bureau of Reclamation, pursuant to Public Law 90-218, \$207,000; (and release of \$92,000 pursuant to Public Law 90-218).

81 Stat. 662.

"Construction and rehabilitation": (Release of \$1,000,000 pursuant to Public Law 90-218).

"Operation and maintenance": (Release of \$1,380,000 pursuant to Public Law 90-218): *Provided*, That the amount made available to the appropriation granted under this head for fiscal year 1968, from the Colorado River Dam fund is increased by "\$17,000".

"Upper Colorado River Storage Project": (Release of \$448,000 pursuant to Public Law 90-218) of which \$21,000 is for activities authorized by section 8 of the Act of April 11, 1956.

70 Stat. 110.
43 USC 620g.

"General administrative expenses", \$327,000, to be derived by transfer from the amount reserved under the reclamation fund portion of "Operation and maintenance", Bureau of Reclamation, pursuant to Public Law 90-218, and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377).

59 Stat. 54.

BONNEVILLE POWER ADMINISTRATION

"Operation and maintenance": (Release of \$200,000 pursuant to Public Law 90-218).

SOUTHWESTERN POWER ADMINISTRATION

"Operation and maintenance", \$26,000, to be derived by transfer from the amount reserved under "Construction", Southwestern Power Administration, pursuant to Public Law 90-218.

OFFICE OF THE SOLICITOR

"Salaries and expenses", \$144,000, to be derived by transfer from the amount reserved under "Water supply and water pollution control", Federal Water Pollution Control Administration, pursuant to Public Law 90-218.

OFFICE OF THE SECRETARY

"Salaries and expenses", \$233,000, to be derived by transfer from the amount reserved under "Water supply and water pollution control", Federal Water Pollution Control Administration, pursuant to Public Law 90-218.

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES AND GENERAL ADMINISTRATION

"Salaries and expenses, general administration", \$178,000.

"Salaries and expenses, general legal activities", \$616,000.

"Salaries and expenses, Antitrust Division", \$200,000.

"Salaries and expenses, United States Attorneys and Marshals", \$1,442,000.

FEDERAL BUREAU OF INVESTIGATION

"Salaries and expenses", \$8,412,000.

FEDERAL PRISON SYSTEM

"Salaries and expenses, Bureau of Prisons", \$1,451,000.

DEPARTMENT OF LABOR

LABOR MANAGEMENT RELATIONS

“Labor-Management Services Administration, salaries and expenses”, \$25,000, to be derived by transfer from “Office of Manpower Administrator, salaries and expenses”, fiscal year 1968; (and release of \$232,000 under “Labor-Management Services Administration, salaries and expenses”, pursuant to Public Law 90-218).

81 Stat. 662.

WAGE AND LABOR STANDARDS

“Wage and Hour Division, salaries and expenses”, (release of \$580,000 under “Wage and Hour Division, salaries and expenses”, pursuant to Public Law 90-218).

“Women’s Bureau, salaries and expenses”, \$9,000, to be derived by transfer from “Office of Manpower Administrator, salaries and expenses”, fiscal year 1968; (and release of \$19,000 for increased pay under “Women’s Bureau, salaries and expenses”, pursuant to Public Law 90-218).

BUREAU OF EMPLOYEES’ COMPENSATION

“Salaries and expenses”, (Release of \$81,000 under “Salaries and expenses”, pursuant to Public Law 90-218).

BUREAU OF LABOR STATISTICS

“Salaries and expenses”, \$54,000, to be derived by transfer from “Office of Manpower Administrator, salaries and expenses”, fiscal year 1968; (and release of \$487,000 under “Salaries and expenses”, pursuant to Public Law 90-218).

BUREAU OF INTERNATIONAL LABOR AFFAIRS

“Salaries and expenses”: (Release of \$38,000 pursuant to Public Law 90-218).

OFFICE OF THE SOLICITOR

“Salaries and expenses”, (Release of \$134,000 under “Salaries and expenses”, pursuant to Public Law 90-218).

OFFICE OF THE SECRETARY

“Salaries and expenses”, \$45,000, to be derived by transfer from “Office of Manpower Administrator, salaries and expenses”, fiscal year 1968, (and release of \$103,000 under “Salaries and expenses”, pursuant to Public Law 90-218).

“Federal contract compliance and civil rights program”, \$3,000, to be derived by transfer from “Office of Manpower Administrator, salaries and expenses”, fiscal year 1968, (and release of \$26,000 under “Federal contract compliance and civil rights program”, pursuant to Public Law 90-218).

“President’s Committee on Consumer Interests”, \$8,000.

POST OFFICE DEPARTMENT

(OUT OF POSTAL FUND)

“Administration and regional operation”, \$2,000,000.

“Operations”, \$89,000,000, and in addition, \$34,000,000 to be derived by transfer from “Transportation”; (and release of \$49,181,000 pursuant to Public Law 90-218).

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

"Salaries and expenses", \$2,059,000, to be derived by transfer from amounts reserved in other appropriations pursuant to Public Law 90-218, as follows:

81 Stat. 662.

"Missions to international organizations", fiscal year 1968, \$54,000;

"International conferences and contingencies", fiscal year 1968, \$163,000;

"Operation and maintenance, International Boundary and Water Commission, United States and Mexico", fiscal year 1968, \$50,000;

"American sections, international commissions", fiscal year 1968, \$20,000;

"International fisheries commissions", fiscal year 1968, \$110,000;

"Mutual educational and cultural exchange activities", fiscal year 1968, \$875,000;

"Center for Cultural and Technical Interchange Between East and West", fiscal year 1968, \$580,000;

"Migration and refugee assistance", fiscal year 1968, \$7,000; and

"Rama Road, Nicaragua", \$200,000; (and release of \$1,911,000 reserved under "Salaries and expenses", pursuant to Public Law 90-218).

"Acquisition, operation, and maintenance of buildings abroad": (Release of \$61,000 pursuant to Public Law 90-218).

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

"Missions to international organizations": (Release of \$85,000 pursuant to Public Law 90-218).

"International conferences and contingencies": (Release of \$5,000 pursuant to Public Law 90-218).

INTERNATIONAL COMMISSIONS

International Boundary and Water Commission, United States and Mexico:

"Salaries and expenses": (Release of \$23,000 pursuant to Public Law 90-218);

"Operation and maintenance": (Release of \$20,000 pursuant to Public Law 90-218);

"Construction": (Release of \$19,000 pursuant to Public Law 90-218); and

"Chamizal settlement": (Release of \$7,600 pursuant to Public Law 90-218).

"American sections, international commissions": (Release of \$18,000 pursuant to Public Law 90-218).

EDUCATIONAL EXCHANGE

"Mutual educational and cultural exchange activities": (Release of \$263,000 pursuant to Public Law 90-218).

"Migration and refugee assistance": (Release of \$12,000 pursuant to Public Law 90-218).

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

"Salaries and expenses", \$75,000.

COAST GUARD

81 Stat. 662.

"Operating expenses", \$4,700,000 (and release of \$1,000,000 pursuant to Public Law 90-218).

"Retired Pay", \$199,000.

FEDERAL AVIATION ADMINISTRATION

"Operations", \$12,000,000 (and release of \$2,000,000 pursuant to Public Law 90-218).

"Operation and maintenance, National Capital Airports", \$215,000.

FEDERAL HIGHWAY ADMINISTRATION

"Motor Carrier Safety", \$53,000.

NATIONAL TRANSPORTATION SAFETY BOARD

"Salaries and expenses", \$57,000.

TREASURY DEPARTMENT

OFFICE OF THE SECRETARY

"Salaries and expenses": (Release of \$232,000 pursuant to Public Law 90-218).

BUREAU OF THE MINT

"Salaries and expenses", \$200,000 (and release of \$23,000 pursuant to Public Law 90-218).

OFFICE OF THE TREASURER

"Salaries and expenses": (Release of \$160,000 pursuant to Public Law 90-218).

GENERAL SERVICES ADMINISTRATION

"Operating expenses, Public Buildings Service", \$2,215,000.

"Operating expenses, Federal Supply Service", \$1,096,000.

"Operating expenses, National Archives and Records Service", \$307,000.

"Operating expenses, Transportation and Communications Service", \$145,000.

"Operating expenses, Property Management and Disposal Service", \$272,000.

"Salaries and expenses, Office of Administrator", \$46,000.

"Allowances and office facilities for former Presidents", \$16,000.

VETERANS ADMINISTRATION

"Medical administration and miscellaneous operating expenses": (Release of \$311,000 pursuant to Public Law 90-218).

"Medical and prosthetic research": (Release of \$1,077,000 pursuant to Public Law 90-218).

"Medical care", \$4,300,000; (and release of \$28,082,000 pursuant to Public Law 90-218).

81 Stat. 662.

OTHER INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

"Salaries and expenses": (Release of \$16,000 pursuant to Public Law 90-218).

CIVIL AERONAUTICS BOARD

"Salaries and expenses", \$99,000; (and release of \$175,000 pursuant to Public Law 90-218).

CIVIL SERVICE COMMISSION

"Salaries and expenses", \$910,000.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

"Salaries and expenses", \$155,000.

FARM CREDIT ADMINISTRATION

"Limitation on administrative expenses" (Increase of \$58,000 in the limitation on administrative expenses).

FEDERAL COAL MINE SAFETY BOARD OF REVIEW

"Salaries and expenses": (Release of \$1,600 pursuant to Public Law 90-218).

FEDERAL COMMUNICATIONS COMMISSION

"Salaries and expenses", \$70,000; (and release of \$462,000 pursuant to Public Law 90-218).

FEDERAL HOME LOAN BANK BOARD

"Limitation on administrative and nonadministrative expenses, Federal Home Loan Bank Board" (increase of \$50,000 in the limitation on administrative expenses).

FEDERAL MEDIATION AND CONCILIATION SERVICE

"Salaries and expenses", \$26,000; (and release of \$184,000 pursuant to Public Law 90-218).

FEDERAL POWER COMMISSION

"Salaries and expenses", \$440,000.

FEDERAL RADIATION COUNCIL

"Salaries and expenses": (Release of \$2,200 pursuant to Public Law 90-218).

FEDERAL TRADE COMMISSION

"Salaries and expenses", \$131,000; (and release of \$329,000 pursuant to Public Law 90-218).

FOREIGN CLAIMS SETTLEMENT COMMISSION

81 Stat. 662.

"Salaries and expenses": (Release of \$34,000 pursuant to Public Law 90-218).

INDIAN CLAIMS COMMISSION

"Salaries and expenses": (Release of \$15,000 pursuant to Public Law 90-218).

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

"Salaries and expenses": (Release of \$13,000 pursuant to Public Law 90-218).

INTERSTATE COMMERCE COMMISSION

"Salaries and expenses", \$386,000; (and release of \$317,000 pursuant to Public Law 90-218).

NATIONAL LABOR RELATIONS BOARD

"Salaries and expenses": (Release of \$911,000 pursuant to Public Law 90-218).

RENEGOTIATION BOARD

"Salaries and expenses", \$51,000; (and release of \$30,000 pursuant to Public Law 90-218).

SECURITIES AND EXCHANGE COMMISSION

"Salaries and expenses", \$380,000; (and release of \$125,000 pursuant to Public Law 90-218).

SMITHSONIAN INSTITUTION

"Salaries and expenses", \$427,000.

"Salaries and expenses, National Gallery of Art", \$28,000.

TARIFF COMMISSION

"Salaries and expenses", \$64,000; (and release of \$6,400 pursuant to Public Law 90-218).

PUBLIC LAND LAW REVIEW COMMISSION

"Salaries and expenses": (Release of \$20,000 pursuant to Public Law 90-218).

UNITED STATES INFORMATION AGENCY

"Salaries and expenses": (Release of \$1,682,000 pursuant to Public Law 90-218).

DISTRICT OF COLUMBIA

(Out of District of Columbia funds)

"Parks and recreation", \$353,000.

"Highways and traffic", \$62,100, of which \$32,100 shall be payable from the highway fund.

"Sanitary engineering", \$709,430, of which \$204,650 shall be payable from the water fund, \$126,740 from the sanitary sewage works fund, and \$1,500 from the metropolitan area sanitary sewage works fund.

Division of Expenses

The sums appropriated in this title for the District of Columbia shall, unless otherwise specifically provided for, be paid out of the general fund of the District of Columbia as defined in the District of Columbia Appropriation Act, 1968.

81 Stat. 435.

TITLE III

GENERAL PROVISIONS

SEC. 301. Except where specifically increased or decreased elsewhere in this Act, the restrictions contained within appropriations, or provisions affecting appropriations or other funds, available during the fiscal year 1968, limiting the amounts which may be expended for personal services, or for purposes involving personal services, or amounts which may be transferred between appropriations or authorizations available for or involving such services, are hereby increased to the extent necessary to meet increased pay costs authorized by or pursuant to law.

SEC. 302. Title II of the Act of December 18, 1967 (Public Law 90-218), shall not apply to the obligational authority provided in this Act.

81 Stat. 662.

SEC. 303. (a) Any appropriation for the fiscal year 1969 required to be apportioned pursuant to section 3679 of the Revised Statutes, as amended, may be apportioned on a basis indicating the need (to the extent any such increases cannot be absorbed within available appropriations) for a supplemental or deficiency estimate of appropriation to the extent necessary to permit payment of such pay increases as may be granted to civilian employees under the provisions of section 212 of Public Law 90-206, and to military personnel under the provisions of section 8 of Public Law 90-207. Each such apportionment shall otherwise be subject to the requirements of section 3679, Revised Statutes, as amended.

Military and
civilian pay in-
creases.
31 USC 665.

(b) The amounts of all temporary appropriations hereafter made for continuing projects or activities in the fiscal year 1969 in advance of final enactment of appropriations therefor, are authorized to be increased to the extent necessary to permit payment of salaries at rates authorized pursuant to section 212 of Public Law 90-206 and section 8 of Public Law 90-207.

81 Stat. 634,
654.
5 USC 5304
note.
37 USC 203
note.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Approved July 9, 1968.

Public Law 90-393

AN ACT

To amend sections 13(b) of the Acts of October 3, 1962 (76 Stat. 698, 704), and for other purposes.

July 11, 1968
[S. 203]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 13(b) of the Act of October 3, 1962 (76 Stat. 698), entitled "An Act to provide for the acquisition of and the payment for individual Indian and tribal lands of the Lower Brule Sioux Reservation in South Dakota, required by the United States for the Big Bend Dam and Reservoir project on the Missouri River, and for the rehabilitation,

Indians,
S. Dak.
Tribal Lands.

social, and economic development of the members of the tribe, and for other purposes", and section 13(b) of the Act of October 3, 1962 (76 Stat. 704), entitled "An Act to provide for the acquisition of and the payment for individual Indian and tribal lands of the Crow Creek Sioux Reservation in South Dakota, required by the United States for the Big Bend Dam and Reservoir project on the Missouri River, and for the rehabilitation, social, and economic development of the members of the tribe, and for other purposes", are hereby amended by striking out the words "within one year after the date of rejection.", and by inserting "or by the United States to determine just compensation, on or before September 1, 1969."

Approved July 11, 1968.

Public Law 90-394

AN ACT

July 11, 1968
[H. R. 15979]

To amend section 2 of the Act of August 1, 1958, as amended, in order to prevent or minimize injury to fish and wildlife from the use of insecticides, herbicides, fungicides, and other pesticides.

Fish and wild-
life.
Insecticides,
etc., appropri-
ations.
79 Stat. 902.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of August 1, 1958 (72 Stat. 479), as amended (16 U.S.C. 742d-1 note), is amended to read as follows:

"SEC. 2. In order to carry out the provisions of this Act, there is authorized to be appropriated the sum of \$3,500,000 for the fiscal year ending June 30, 1969, and for each of the two fiscal years immediately following such year. Such sums shall remain available until expended."

Approved July 11, 1968.

Public Law 90-395

JOINT RESOLUTION

July 11, 1968
[H. J. Res. 1111]

Granting the consent of Congress to certain additional powers conferred upon the Kansas City Area Transportation Authority by the States of Kansas and Missouri.

80 Stat. 826.

Whereas the Congress in consenting to the compact between Kansas and Missouri creating the Kansas City Area Transportation Authority and the Kansas City Area Transportation District in Public Law 599, Eighty-ninth Congress, approved September 21, 1966, provided that no power or powers shall be exercised by the Kansas City Area Transportation Authority under that certain portion of article III of such compact which reads:

"11. To perform all other necessary and incidental functions; and to exercise such additional powers as shall be conferred on it by the Legislature of either State concurred in by the Legislature of the other and by Act of Congress."

unless and until such power or powers shall have been conferred upon the Kansas City Area Transportation Authority by the legislature of one of the States to the compact and concurred in by the legislature of the other and shall have been consented to by the Congress; and

Whereas the States of Kansas and Missouri have enacted legislation conferring certain additional powers on said Kansas City Area Transportation Authority by Senate bill numbered 399 of the Kansas Legislature, session of 1967, and Senate bill numbered 266

of the Seventy-fourth General Assembly of the State of Missouri, as follows:

"SECTION 1. In further effectuation of that certain compact between the states of Kansas and Missouri heretofore made and entered into on December 28, 1965, the Kansas City Area Transportation Authority of the Kansas City Area Transportation District, created by and under the aforesaid compact, is authorized to exercise the following powers in addition to those heretofore expressly authorized by the aforesaid compact:

"(1) To make all appointments and employ all its officers, agents and employees, determine their qualifications and duties and fix their compensation.

"(2) To deal with and enter into written contracts with the employees of the Authority through accredited representatives of such employees or representatives of any labor organization authorized to act for such employees, concerning wages, salaries, hours, working conditions, pension or retirement provisions, and insurance benefits.

"(3) To provide for the retirement and pensioning of its officers and employees and the widows and children of the deceased officers and employees, and to provide for paying benefits upon disability or death of its officers and employees and to make payments from its funds to provide for said retirements, pensions, and death or disability benefits."

Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby consents to the additional powers conferred on the Kansas City Area Transportation Authority by Senate bill numbered 399 of the Kansas Legislature, session of 1967, and Senate bill numbered 266 of the Seventy-fourth General Assembly of the State of Missouri.

Kansas City
Area Transportation
Authority.

SEC. 2. The right is hereby reserved to the Congress or any committee thereof to require the disclosure and furnishing of such information by the authority as they may deem appropriate and to have access to all books, records, and papers of the authority.

SEC. 3. The right to alter, amend, or repeal this joint resolution is expressly reserved.

Approved July 11, 1968.

Public Law 90-396

AN ACT

To provide for the collection, compilation, critical evaluation, publication, and sale of standard reference data.

July 11, 1968
[H. R. 6279]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Standard Refer-
ence Data Act.

DECLARATION OF POLICY

SECTION 1. The Congress hereby finds and declares that reliable standardized scientific and technical reference data are of vital importance to the progress of the Nation's science and technology. It is therefore the policy of the Congress to make critically evaluated reference data readily available to scientists, engineers, and the general public. It is the purpose of this Act to strengthen and enhance this policy.

DEFINITIONS

SEC. 2. For the purposes of this Act—

(a) The term “standard reference data” means quantitative information, related to a measurable physical or chemical property of a substance or system of substances of known composition and structure, which is critically evaluated as to its reliability under section 3 of this Act.

(b) The term “Secretary” means the Secretary of Commerce.

Collection and
publication.

SEC. 3. The Secretary is authorized and directed to provide or arrange for the collection, compilation, critical evaluation, publication, and dissemination of standard reference data. In carrying out this program, the Secretary shall, to the maximum extent practicable, utilize the reference data services and facilities of other agencies and instrumentalities of the Federal Government and of State and local governments, persons, firms, institutions, and associations, with their consent and in such a manner as to avoid duplication of those services and facilities. All agencies and instrumentalities of the Federal Government are encouraged to exercise their duties and functions in such manner as will assist in carrying out the purpose of this Act. This section shall be deemed complementary to existing authority, and nothing herein is intended to repeal, supersede, or diminish existing authority or responsibility of any agency or instrumentality of the Federal Government.

Standards, etc.
Publication in
Federal Register.

SEC. 4. To provide for more effective integration and coordination of standard reference data activities, the Secretary, in consultation with other interested Federal agencies, shall prescribe and publish in the Federal Register such standards, criteria, and procedures for the preparation and publication of standard reference data as may be necessary to carry out the provisions of this Act.

Sale.

Cost recovery.

SEC. 5. Standard reference data conforming to standards established by the Secretary may be made available and sold by the Secretary or by a person or agency designated by him. To the extent practicable and appropriate, the prices established for such data may reflect the cost of collection, compilation, evaluation, publication, and dissemination of the data, including administrative expenses; and the amounts received shall be subject to the Act of March 3, 1901, as amended (15 U.S.C. 271-278e).

31 Stat. 1449;
Ante, p. 35.
U.S. copyright
and renewal rights.
61 Stat. 655;
76 Stat. 446.

SEC. 6. (a) Notwithstanding the limitations contained in section 8 of title 17 of the United States Code, the Secretary may secure copyright and renewal thereof on behalf of the United States as author or proprietor in all or any part of any standard reference data which he prepares or makes available under this Act, and may authorize the reproduction and publication thereof by others.

(b) The publication or republication by the Government under this Act, either separately or in a public document, of any material in which copyright is subsisting shall not be taken to cause any abridgment or annulment of the copyright or to authorize any use or appropriation of such material without the consent of the copyright proprietor.

Appropriation.

SEC. 7. There are authorized to be appropriated to carry out this Act, \$1.86 million for the fiscal year ending June 30, 1969. Notwithstanding the provisions of any other law, no appropriations for any fiscal year may be made for the purpose of this Act after fiscal year 1969 unless previously authorized by legislation hereafter enacted by the Congress.

Short title.

SEC. 8. This Act may be cited as the “Standard Reference Data Act.”

Approved July 11, 1968.

Public Law 90-397

AN ACT

To exempt certain vessels engaged in the fishing industry from the requirements of certain laws.

July 11, 1968
[S. 2047]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That section 4426 of the Revised Statutes of the United States (46 U.S.C. 404) is amended by adding at the end thereof the following sentences: "As used herein, the phrase 'engaged in fishing as a regular business' includes cannery tender or fishing tender vessels of not more than five hundred gross tons used in the salmon or crab fisheries of the States of Oregon, Washington, and Alaska which are engaged exclusively in (1) the carriage of cargo to or from vessels in the fishery or a facility used or to be used in the processing or assembling of fishery products, or (2) the transportation of cannery or fishing personnel to or from operating locations. The exemption of the foregoing sentence for cannery tender or fishing tender vessels shall continue in force for five years from the effective date of this amendment."

Fishing ves-
sels.
Exemption from
certain laws.
Inspection.

SEC. 2. Section 1 of the Act of August 27, 1935 (46 U.S.C. 88), is amended by designating the existing section as subsection (a) and by adding a new subsection (b) as follows:

Loadlines.
49 Stat. 888.

"(b) All cannery tender or fishing tender vessels of not more than five hundred gross tons used in the salmon or crab fisheries of the States of Oregon, Washington, and Alaska except those constructed after the effective date of this subsection or those converted to either of such services after five years from the effective date of this subsection are exempt from the requirements of this Act."

SEC. 3. The first proviso of section 1 of the Act of June 20, 1936 (46 U.S.C. 367), is amended by adding at the end thereof the following sentences: "As used herein, the phrase 'any vessel engaged in the fishing, oystering, clamming, crabbing, or any other branch of the fishery or kelp or sponge industries' includes cannery tender or fishing tender vessels of not more than five hundred gross tons used in the salmon or crab fisheries of the States of Oregon, Washington, and Alaska which are engaged exclusively in (1) the carriage of cargo to or from vessels in the fishery or a facility used or to be used in the processing or assembling of fishery products, or (2) the transportation of cannery or fishing personnel to or from operating locations. The exemption of the foregoing sentence for cannery tender or fishing tender vessels shall continue in force for five years from the effective date of this amendment."

Internal combus-
tion engines.
49 Stat. 1544.

SEC. 4. The first subparagraph of section 4417a of the Revised Statutes of the United States (46 U.S.C. 391a(1)) is amended by adding at the end thereof the following sentence: "Notwithstanding the first sentence hereof, cannery tenders, fishing tenders, or fishing vessels of not more than five hundred gross tons used in the salmon or crab fisheries of the States of Oregon, Washington, and Alaska when engaged exclusively in the fishing industry shall be allowed to have on board inflammable or combustible cargo in bulk to the extent and upon conditions as may be required by regulations promulgated by the Secretary of the department in which the Coast Guard is operating."

Combustible
cargo in bulk.

Approved July 11, 1968.

Public Law 90-398

July 11, 1968
[S. 2837]

AN ACT

To authorize the Secretary of Agriculture to establish the Cradle of Forestry in America in the Pisgah National Forest in North Carolina, and for other purposes.

Cradle of Forestry in America, Pisgah National Forest, N.C.
Establishment.

Publication in Federal Register.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve, develop, and make available to this and future generations the birthplace of forestry and forestry education in America and to promote, demonstrate, and stimulate interest in and knowledge of the management of forest lands under principles of multiple use and sustained yield and the development and progress of management of forest lands in America, the Secretary of Agriculture is hereby authorized to establish the Cradle of Forestry in America in the Pisgah National Forest, North Carolina. As soon as possible after this Act takes effect, the Secretary of Agriculture shall publish notice of the designation thereof in the Federal Register together with a map showing the boundaries which shall be those shown on the map entitled "Cradle of Forestry in America" dated April 12, 1967, which shall be on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture.

SEC. 2. The area designated as the Cradle of Forestry in America shall be administered, protected, and developed within and as a part of the Pisgah National Forest by the Secretary of Agriculture in accordance with the laws, rules, and regulations applicable to national forests in such manner as in his judgment will best provide for the purposes of this Act and for such management, utilization, and disposal of the natural resources as in his judgment will promote or is compatible with and does not significantly impair the purposes for which the Cradle of Forestry in America is established.

SEC. 3. The Secretary of Agriculture is hereby authorized to cooperate with and receive the cooperation of public and private agencies and organizations and individuals in the development, administration, and operation of the Cradle of Forestry in America. The Secretary of Agriculture is authorized to accept contributions and gifts to be used to further the purposes of this Act.

Approved July 11, 1968.

Public Law 90-399

July 13, 1968
[H. R. 3639]

AN ACT

To protect the public health by amending the Federal Food, Drug, and Cosmetic Act to consolidate certain provisions assuring the safety and effectiveness of new animal drugs, and for other purposes.

Animal Drug Amendments of 1968.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Animal Drug Amendments of 1968."

NEW ANIMAL DRUGS

SEC. 101. (a) Section 501(a) of the Federal Food, Drug, and Cosmetic Act, as amended, is amended by inserting before the period at the end thereof a semicolon and the following: "or (5) if it is a new animal drug which is unsafe within the meaning of section 512; or (6) if it is an animal feed bearing or containing a new animal drug, and such animal feed is unsafe within the meaning of section 512".

(b) Chapter V of such Act is amended by adding at the end thereof the following:

"NEW ANIMAL DRUGS

"SEC. 512. (a) (1) A new animal drug shall, with respect to any particular use or intended use of such drug, be deemed unsafe for the purposes of section 501(a) (5) and section 402(a) (2) (D) unless—

"(A) there is in effect an approval of an application filed pursuant to subsection (b) of this section with respect to such use or intended use of such drug,

"(B) such drug, its labeling, and such use conform to such approved application, and

"(C) in the case of a new animal drug subject to subsection (n) of this section and not exempted therefrom by regulations it is from a batch with respect to which a certificate or release issued pursuant to subsection (n) is in effect with respect to such drug. A new animal drug shall also be deemed unsafe for such purposes in the event of removal from the establishment of a manufacturer, packer, or distributor of such drug for use in the manufacture of animal feed in any State unless at the time of such removal such manufacturer, packer, or distributor has an unrevoked written statement from the consignee of such drug, or notice from the Secretary, to the effect that, with respect to the use of such drug in animal feed, such consignee—

"(i) is the holder of an approved application under subsection (m) of this section; or

"(ii) will, if the consignee is not a user of the drug, ship such drug only to a holder of an approved application under subsection (m) of this section.

"(2) An animal feed bearing or containing a new animal drug shall, with respect to any particular use or intended use of such animal feed, be deemed unsafe for the purposes of section 501(a) (6) unless—

"(A) there is in effect an approval of an application filed pursuant to subsection (b) of this section with respect to such drug, as used in such animal feed,

"(B) there is in effect an approval of an application pursuant to subsection (m) (1) of this section with respect to such animal feed, and

"(C) such animal feed, its labeling, and such use conform to the conditions and indications of use published pursuant to subsection (i) of this section and to the application with respect thereto approved under subsection (m) of this section.

52 Stat. 1049.
21 USC 351.

Infra.

79 Stat. 227.
21 USC 351-
360a.

Supra.
Post, p. 352.

Supra.

Ante, p. 343.

"(3) A new animal drug or an animal feed bearing or containing a new animal drug shall not be deemed unsafe for the purposes of section 501(a) (5) or (6) if such article is for investigational use and conforms to the terms of an exemption in effect with respect thereto under section 512(j).

"(b) Any person may file with the Secretary an application with respect to any intended use or uses of a new animal drug. Such person shall submit to the Secretary as a part of the application (1) full reports of investigations which have been made to show whether or not such drug is safe and effective for use; (2) a full list of the articles used as components of such drug; (3) a full statement of the composition of such drug; (4) a full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such drug; (5) such samples of such drug and of the articles used as components thereof, of any animal feed for use in or on which such drug is intended, and of the edible portions or products (before or after slaughter) of animals to which such drug (directly or in or on animal feed) is intended to be administered, as the Secretary may require; (6) specimens of the labeling proposed to be used for such drug, or in case such drug is intended for use in animal feed, proposed labeling appropriate for such use, and specimens of the labeling for the drug to be manufactured, packed, or distributed by the applicant; (7) a description of practicable methods for determining the quantity, if any, of such drug in or on food, and any substance formed in or on food, because of its use; and (8) the proposed tolerance or withdrawal period or other use restrictions for such drug if any tolerance or withdrawal period or other use restrictions are required in order to assure that the proposed use of such drug will be safe.

Opportunity for
hearing.

"(c) Within one hundred and eighty days after the filing of an application pursuant to subsection (b), or such additional period as may be agreed upon by the Secretary and the applicant, the Secretary shall either (1) issue an order approving the application if he then finds that none of the grounds for denying approval specified in subsection (d) applies, or (2) give the applicant notice of an opportunity for a hearing before the Secretary under subsection (d) on the question whether such application is approvable. If the applicant elects to accept the opportunity for a hearing by written request within thirty days after such notice, such hearing shall commence not more than ninety days after the expiration of such thirty days unless the Secretary and the applicant otherwise agree. Any such hearing shall thereafter be conducted on an expedited basis and the Secretary's order thereon shall be issued within ninety days after the date fixed by the Secretary for filing final briefs.

"(d) (1) If the Secretary finds, after due notice to the applicant in accordance with subsection (c) and giving him an opportunity for a hearing, in accordance with said subsection, that—

"(A) the investigations, reports of which are required to be submitted to the Secretary pursuant to subsection (b), do not include adequate tests by all methods reasonably applicable to show whether or not such drug is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling thereof;

"(B) the results of such tests show that such drug is unsafe for use under such conditions or do not show that such drug is safe for use under such conditions;

"(C) the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such drug are inadequate to preserve its identity, strength, quality, and purity;

"(D) upon the basis of the information submitted to him as

part of the application, or upon the basis of any other information before him with respect to such drug, he has insufficient information to determine whether such drug is safe for use under such conditions;

“(E) evaluated on the basis of the information submitted to him as part of the application and any other information before him with respect to such drug, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the proposed labeling thereof;

“(F) upon the basis of the information submitted to him as part of the application or any other information before him with respect to such drug, the tolerance limitation proposed, if any, exceeds that reasonably required to accomplish the physical or other technical effect for which the drug is intended;

“(G) based on a fair evaluation of all material facts, such labeling is false or misleading in any particular; or

“(H) such drug induces cancer when ingested by man or animal or, after tests which are appropriate for the evaluation of the safety of such drug, induces cancer in man or animal, except that the foregoing provisions of this subparagraph shall not apply with respect to such drug if the Secretary finds that, under the conditions of use specified in proposed labeling and reasonably certain to be followed in practice (i) such drug will not adversely affect the animals for which it is intended, and (ii) no residue of such drug will be found (by methods of examination prescribed or approved by the Secretary by regulations, which regulations shall not be subject to subsections (c), (d), and (h)), in any edible portion of such animals after slaughter or in any food yielded by or derived from the living animals;

he shall issue an order refusing to approve the application. If, after such notice and opportunity for hearing, the Secretary finds that subparagraphs (A) through (H) do not apply, he shall issue an order approving the application.

“(2) In determining whether such drug is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling thereof, the Secretary shall consider, among other relevant factors, (A) the probable consumption of such drug and of any substance formed in or on food because of the use of such drug, (B) the cumulative effect on man or animal of such drug, taking into account any chemically or pharmacologically related substance, (C) safety factors which in the opinion of experts, qualified by scientific training and experience to evaluate the safety of such drugs, are appropriate for the use of animal experimentation data, and (D) whether the conditions of use prescribed, recommended, or suggested in the proposed labeling are reasonably certain to be followed in practice. Any order issued under this subsection refusing to approve an application shall state the findings upon which it is based.

“(3) As used in this subsection and subsection (e), the term ‘substantial evidence’ means evidence consisting of adequate and well-controlled investigations, including field investigation, by experts qualified by scientific training and experience to evaluate the effectiveness of the drug involved, on the basis of which it could fairly and reasonably be concluded by such experts that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling or proposed labeling thereof.

“Substantial evidence.”

“(e)(1) The Secretary shall, after due notice and opportunity for hearing to the applicant, issue an order withdrawing approval of an

application filed pursuant to subsection (b) with respect to any new animal drug if the Secretary finds—

“(A) that experience or scientific data show that such drug is unsafe for use under the conditions of use upon the basis of which the application was approved;

“(B) that new evidence not contained in such application or not available to the Secretary until after such application was approved, or tests by new methods, or tests by methods not deemed reasonably applicable when such application was approved, evaluated together with the evidence available to the Secretary when the application was approved, shows that such drug is not shown to be safe for use under the conditions of use upon the basis of which the application was approved or that subparagraph (H) of paragraph (1) of subsection (d) applies to such drug;

“(C) on the basis of new information before him with respect to such drug, evaluated together with the evidence available to him when the application was approved, that there is a lack of substantial evidence that such drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof;

“(D) that the application contains any untrue statement of a material fact; or

“(E) that the applicant has made any changes from the standpoint of safety or effectiveness beyond the variations provided for in the application unless he has supplemented the application by filing with the Secretary adequate information respecting all such changes and unless there is in effect an approval of the supplemental application. The supplemental application shall be treated in the same manner as the original application.

If the Secretary (or in his absence the officer acting as Secretary) finds that there is an imminent hazard to the health of man or of the animals for which such drug is intended, he may suspend the approval of such application immediately, and give the applicant prompt notice of his action and afford the applicant the opportunity for an expedited hearing under this subsection; but the authority conferred by this sentence to suspend the approval of an application shall not be delegated.

“(2) The Secretary may also, after due notice and opportunity for hearing to the applicant, issue an order withdrawing the approval of an application with respect to any new animal drug under this section if the Secretary finds—

“(A) that the applicant has failed to establish a system for maintaining required records, or has repeatedly or deliberately failed to maintain such records or to make required reports in accordance with a regulation or order under subsection (1), or the applicant has refused to permit access to, or copying or verification of, such records as required by paragraph (2) of such subsection;

“(B) that on the basis of new information before him, evaluated together with the evidence before him when the application was approved, the methods used in, or the facilities and controls used for, the manufacture, processing, and packing of such drug are inadequate to assure and preserve its identity, strength, quality, and purity and were not made adequate within a reasonable time after receipt of written notice from the Secretary specifying the matter complained of; or

“(C) that on the basis of new information before him, evaluated together with the evidence before him when the application was approved, the labeling of such drug, based on a fair evaluation of all material facts, is false or misleading in any particular

and was not corrected within a reasonable time after receipt of written notice from the Secretary specifying the matter complained of.

“(3) Any order under this subsection shall state the findings upon which it is based.

“(f) Whenever the Secretary finds that the facts so require, he shall revoke any previous order under subsection (d), (e), or (m) refusing, withdrawing, or suspending approval of an application and shall approve such application or reinstate such approval, as may be appropriate.

“(g) Orders of the Secretary issued under this section (other than orders issuing, amending, or repealing regulations) shall be served (1) in person by any officer or employee of the department designated by the Secretary or (2) by mailing the order by registered mail or by certified mail addressed to the applicant or respondent at his last known address in the records of the Secretary.

“(h) An appeal may be taken by the applicant from an order of the Secretary refusing or withdrawing approval of an application filed under subsection (b) or (m) of this section. The provisions of subsection (h) of section 505 of this Act shall govern any such appeal.

“(i) When a new animal drug application filed pursuant to subsection (b) is approved, the Secretary shall by notice, which upon publication shall be effective as a regulation, publish in the Federal Register the name and address of the applicant and the conditions and indications of use of the new animal drug covered by such application, including any tolerance and withdrawal period or other use restrictions and, if such new animal drug is intended for use in animal feed, appropriate purposes and conditions of use (including special labeling requirements) applicable to any animal feed for use in which such drug is approved, and such other information, upon the basis of which such application was approved, as the Secretary deems necessary to assure the safe and effective use of such drug. Upon withdrawal of approval of such new animal drug application or upon its suspension, the Secretary shall forthwith revoke or suspend, as the case may be, the regulation published pursuant to this subsection (i) insofar as it is based on the approval of such application.

“(j) To the extent consistent with the public health, the Secretary shall promulgate regulations for exempting from the operation of this section new animal drugs, and animal feeds bearing or containing new animal drugs, intended solely for investigational use by experts qualified by scientific training and experience to investigate the safety and effectiveness of animal drugs. Such regulations may, in the discretion of the Secretary, among other conditions relating to the protection of the public health, provide for conditioning such exemption upon the establishment and maintenance of such records, and the making of such reports to the Secretary, by the manufacturer or the sponsor of the investigation of such article, of data (including but not limited to analytical reports by investigators) obtained as a result of such investigational use of such article, as the Secretary finds will enable him to evaluate the safety and effectiveness of such article in the event of the filing of an application pursuant to this section. Such regulations, among other things, shall set forth the conditions (if any) upon which animals treated with such articles, and any products of such animals (before or after slaughter), may be marketed for food use.

“(k) While approval of an application for a new animal drug is effective, a food shall not, by reason of bearing or containing such drug or any substance formed in or on the food because of its use in accordance with such application (including the conditions and indi-

52 Stat. 1052;
76 Stat. 784, 785.
21 USC 355.
Publication in
Federal Register.

Exemptions.

52 Stat. 1046.
21 USC 342.
Recordkeeping.

cations of use prescribed pursuant to subsection (i)), be considered adulterated within the meaning of clause (1) of section 402(a).

“(1) (1) In the case of any new animal drug for which an approval of an application filed pursuant to subsection (b) is in effect, the applicant shall establish and maintain such records, and make such reports to the Secretary, of data relating to experience and other data or information, received or otherwise obtained by such applicant with respect to such drug, or with respect to animal feeds bearing or containing such drug, as the Secretary may by general regulation, or by order with respect to such application, prescribe on the basis of a finding that such records and reports are necessary in order to enable the Secretary to determine, or facilitate a determination, whether there is or may be ground for invoking subsection (e) or subsection (m) (4) of this section. Such regulation or order shall provide, where the Secretary deems it to be appropriate, for the examination, upon request, by the persons to whom such regulation or order is applicable, of similar information received or otherwise obtained by the Secretary.

“(2) Every person required under this subsection to maintain records, and every person in charge or custody thereof, shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to have access to and copy and verify such records.

“(m) (1) Any person may file with the Secretary an application with respect to any intended use or uses of an animal feed bearing or containing a new animal drug. Such person shall submit to the Secretary as part of the application (A) a full statement of the composition of such animal feed, (B) an identification of the regulation or regulations (relating to the new animal drug or drugs to be used in such feed), published pursuant to subsection (i), on which he relies as a basis for approval of his application with respect to the use of such drug in such feed, (C) a full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such animal feed, (D) specimens of the labeling proposed to be used for such animal feed, and (E) if so requested by the Secretary, samples of such animal feed or components thereof.

“(2) Within ninety days after the filing of an application pursuant to subsection (m) (1), or such additional period as may be agreed upon by the Secretary and the applicant, the Secretary shall either (A) issue an order approving the application if he then finds that none of the grounds for denying approval specified in paragraph (3) applies, or (B) give the applicant notice of an opportunity for a hearing before the Secretary under paragraph (3) on the question whether such application is approvable. The procedure governing such a hearing shall be the procedure set forth in the last two sentences of subsection (c).

“(3) If the Secretary, after due notice to the applicant in accordance with paragraph (2) and giving him an opportunity for a hearing in accordance with such paragraph, finds, on the basis of information submitted to him as part of the application or on the basis of any other information before him—

“(A) that there is not in effect a regulation under subsection (i) (identified in such application) on the basis of which such application may be approved;

“(B) that such animal feed (including the proposed use of any new animal drug therein or thereon) does not conform to an applicable regulation published pursuant to subsection (i) referred to in the application, or that the purposes and conditions or indications of use prescribed, recommended, or suggested in the labeling of such feed do not conform to the applicable pur-

poses and conditions or indications of use (including warnings) published pursuant to subsection (i) or such labeling omits or fails to conform to other applicable information published pursuant to subsection (i);

“(C) that the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such animal feed are inadequate to preserve the identity, strength, quality, and purity of the new animal drug therein; or

“(D) that, based on a fair evaluation of all material facts, such labeling is false or misleading in any particular;

he shall issue an order refusing to approve the application. If, after such notice and opportunity for hearing, the Secretary finds that subparagraphs (A) through (D) do not apply, he shall issue an order approving the application. An order under this subsection approving an application with respect to an animal feed bearing or containing a new animal drug shall be effective only while there is in effect a regulation pursuant to subsection (i), on the basis of which such application (or a supplement thereto) was approved, relating to the use of such drug in or on such feed.

“(4) (A) The Secretary shall, after due notice and opportunity for hearing to the applicant, issue an order withdrawing approval of an application with respect to any animal feed under this subsection if the Secretary finds—

“(i) that the application contains any untrue statement of a material fact; or

“(ii) that the applicant has made any changes from the standpoint of safety or effectiveness beyond the variations provided for in the application unless he has supplemented the application by filing with the Secretary adequate information respecting all such changes and unless there is in effect an approval of the supplemental application. The supplemental application shall be treated in the same manner as the original application.

If the Secretary (or in his absence the officer acting as Secretary) finds that there is an imminent hazard to the health of man or of the animals for which such animal feed is intended, he may suspend the approval of such application immediately, and give the applicant prompt notice of his action and afford the applicant the opportunity for an expedited hearing under this subsection; but the authority conferred by this sentence shall not be delegated.

“(B) The Secretary may also, after due notice and opportunity for hearing to the applicant, issue an order withdrawing the approval of an application with respect to any animal feed under this subsection if the Secretary finds—

“(i) that the applicant has failed to establish a system for maintaining required records, or has repeatedly or deliberately failed to maintain such records or to make required reports in accordance with a regulation or order under paragraph (5) (A) of this subsection, or the applicant has refused to permit access to, or copying or verification of, such records as required by subparagraph (B) of such paragraph;

“(ii) that on the basis of new information before him, evaluated together with the evidence before him when such application was approved, the methods used in, or the facilities and controls used for, the manufacture, processing, and packing of such animal feed are inadequate to assure and preserve the identity, strength, quality, and purity of the new animal drug therein, and were not made adequate within a reasonable time after receipt of written notice from the Secretary, specifying the matter complained of; or

“(iii) that on the basis of new information before him, evaluated together with the evidence before him when the application was approved, the labeling of such animal feed, based on a fair evaluation of all material facts, is false or misleading in any particular and was not corrected within a reasonable time after receipt of written notice from the Secretary specifying the matter complained of.

“(C) Any order under paragraph (4) of this subsection shall state the findings upon which it is based.

Recordkeeping.

“(5) In the case of any animal feed for which an approval of an application filed pursuant to this subsection is in effect—

“(A) the applicant shall establish and maintain such records, and make such reports to the Secretary, or (at the option of the Secretary) to the appropriate person or persons holding an approved application filed under subsection (b), as the Secretary may by general regulation, or by order with respect to such application, prescribe on the basis of a finding that such records and reports are necessary in order to enable the Secretary to determine, or facilitate a determination, whether there is or may be ground for invoking subsection (e) or paragraph (4) of this subsection.

“(B) every person required under this subsection to maintain records, and every person in charge or custody thereof, shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to have access to and copy and verify such records.

Certification.

“(n) (1) The Secretary, pursuant to regulations promulgated by him, shall provide for the certification of batches of a new animal drug composed wholly or partly of any kind of penicillin, streptomycin, chlortetracycline, chloramphenicol, or bacitracin, or any derivative thereof. A batch of any such drug shall be certified if an approval of an application filed pursuant to subsection (b) is effective with respect to such drug and such drug has the characteristics of identity and such batch has the characteristics of strength, quality, and purity upon the basis of which the application was approved, but shall not otherwise be certified. Prior to the effective date of such regulations the Secretary, in lieu of certification, shall issue a release for any batch which, in his judgment, may be released without risk as to the safety and efficacy of its use. Such release shall prescribe the date of its expiration and other conditions under which it shall cease to be effective as to such batch and as to portions thereof.

“(2) Regulations providing for such certifications shall contain such provisions as are necessary to carry out the purposes of this subsection, including provisions prescribing—

“(A) tests and methods of assay to determine compliance with applicable standards of identity and of strength, quality, and purity;

“(B) effective periods for certificates, and other conditions under which they shall cease to be effective as to certified batches and as to portions thereof;

“(C) administration and procedure; and

“(D) such fees, specified in such regulations, as are necessary to provide, equip, and maintain an adequate certification service. Such regulations shall prescribe only such tests and methods of assay as will provide for certification or rejection within the shortest time consistent with the purposes of this subsection.

“(3) Whenever, in the judgment of the Secretary, the requirements of this subsection with respect to any drug or class of drugs are not necessary to insure that such drug conforms to the standards of identity, strength, quality, and purity applicable thereto under paragraph (1) of this subsection, the Secretary shall promulgate regulations exempting such drug or class of drugs from such requirements. The provisions of subsection (c) of section 507 of this Act (other than the first sentence thereof) shall apply under this paragraph.

59 Stat. 464;
76 Stat. 786.
21 USC 357.
Exemptions.

“(4) The Secretary shall promulgate regulations exempting from any requirement of this subsection—

“(A) drugs which are to be stored, processed, labeled, or repacked at establishments other than those where manufactured, on condition that such drugs comply with all such requirements upon removal from such establishments; and

“(B) drugs which conform to applicable standards of identity, strength, quality, and purity prescribed pursuant to this subsection and are intended for use in manufacturing other drugs.

“(5) On petition of any interested person for the issuance, amendment, or repeal of any regulation contemplated by this subsection, the procedure shall be in accordance with subsection (f) of section 507 of this Act.

“(6) Where any drug is subject to this subsection and not exempted therefrom by regulations, the compliance of such drug with sections 501(b) and 502(g) shall be determined by the application of the standards of strength, quality, and purity applicable under paragraph (1) of this subsection, the tests and methods of assay applicable under provisions of regulations referred to in paragraph (2)(A) of this subsection, and the requirements of packaging and labeling on the basis of which the application with respect to such drug filed under subsection (b) of this section was approved.”

52 Stat. 1049.
21 USC 351,
352.

DEFINITIONS

SEC. 102. Section 201 of the Federal Food, Drug, and Cosmetic Act, as amended, is amended by—

(a) inserting “(except a new animal drug or an animal feed bearing or containing a new animal drug)” after “Any drug” in subparagraph (1) of paragraph (p);

52 Stat. 1041.
21 USC 321.

(b) inserting “(except a new animal drug or an animal feed bearing or containing a new animal drug)” after “Any drug” in subparagraph (2) of paragraph (p);

(c) striking out the period at the end of subparagraph (4) of paragraph (s) and inserting in lieu thereof “; or”, and by adding a new subparagraph (5) to read as follows: “(5) a new animal drug.”;

72 Stat. 1784;
74 Stat. 397.

(d) inserting “. 512,” after “409” in paragraph (u); and

(e) adding at the end of such section the following new paragraphs:

79 Stat. 227.

“(w) The term ‘new animal drug’ means any drug intended for use for animals other than man, including any drug intended for use in animal feed but not including such animal feed,—

“New animal drug.”

“(1) the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of animal drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling thereof;

Exception.

34 Stat. 768;
52 Stat. 1059.
21 USC 1-15
notes.

except that such a drug not so recognized shall not be deemed to be a 'new animal drug' if at any time prior to June 25, 1938, it was subject to the Food and Drug Act of June 30, 1906, as amended, and if at such time its labeling contained the same representations concerning the conditions of its use; or

"(2) the composition of which is such that such drug, as a result of investigations to determine its safety and effectiveness for use under such conditions, has become so recognized but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions; or

"(3) which drug is composed wholly or partly of any kind of penicillin, streptomycin, chlortetracycline, chloramphenicol, or bacitracin, or any derivative thereof, except when there is in effect a published order of the Secretary declaring such drug not to be a new animal drug on the grounds that (A) the requirement of certification of batches of such drug, as provided for in section 512(n), is not necessary to insure that the objectives specified in paragraph (3) thereof are achieved and (B) that neither subparagraph (1) nor (2) of this paragraph (w) applies to such drug.

Ante, p. 350.

"Animal feed."

Ante, pp. 351,
343.

"(x) The term 'animal feed', as used in paragraph (w) of this section, in section 512, and in provisions of this Act referring to such paragraph or section, means an article which is intended for use for food for animals other than man and which is intended for use as a substantial source of nutrients in the diet of the animal, and is not limited to a mixture intended to be the sole ration of the animal."

PROHIBITED ACTS AND PENALTIES

SEC. 103. Section 301 of the Federal Food, Drug, and Cosmetic Act, as amended, is amended by—

- (1) striking out "or" before "507," and inserting "; or 512 (j), (1), or (m)" after "507 (d) or (g)" in paragraph (e), and
- (2) adding "512," after "507," in paragraph (j).

76 Stat. 784,
788.
21 USC 331.
52 Stat. 1042;
61 Stat. 11.

ANIMAL DRUGS IN FEEDS AND RESIDUES THEREOF IN OTHER FOOD

SEC. 104. Section 402 of the Federal Food, Drug, and Cosmetic Act, as amended, is amended by—

- (1) striking out the word "or" before "(iii)" in clause (A) of subparagraph (2) of paragraph (a) and inserting "; or (iv) a new animal drug" after the words "color additive" therein; and

- (2) adding before the semicolon following "commodity" at the end of the proviso to clause (C) of subparagraph (2) of paragraph (a) the following: "; or (D) if it is, or it bears or contains, a new animal drug (or conversion product thereof) which is unsafe within the meaning of section 512".

72 Stat. 1784;
74 Stat. 397.
21 USC 342.

ANTIBIOTIC DRUGS FOR ANIMALS

SEC. 105. (a) Section 502 of the Federal Food, Drug, and Cosmetic Act, as amended, is amended by inserting "(except a drug for use in animals other than man)" after "represented as a drug" in paragraph (1).

(b) Section 507 of such Act is amended by inserting "(except drugs for use in animals other than man)" after "drugs" in the first sentence of subsection (a).

59 Stat. 463.
21 USC 352.
21 USC 357.

ANIMAL DRUGS FOR EXPORT

SEC. 106. Section 801(d) of the Federal Food, Drug, and Cosmetic Act, as amended, is amended by adding at the end thereof the following: "Nothing in this subsection shall authorize the exportation of any new animal drug, or an animal feed bearing or containing a new animal drug, which is unsafe within the meaning of section 512 of this Act."

52 Stat. 1058.
21 USC 381.

Ante, p. 343.

AMENDMENT WITH RESPECT TO VIRUS, SERUM, TOXIN, AND
ANALOGOUS PRODUCTS ACTS

SEC. 107. Section 902(c) of the Federal Food, Drug, and Cosmetic Act is amended by striking out "the virus, serum, and toxin Act of July 1, 1902 (U.S.C., 1934 ed., title 42, chap. 4)"; and inserting in lieu thereof the following: "section 351 of Public Health Service Act (relating to viruses, serums, toxins, and analogous products applicable to man); the virus, serum, toxin, and analogous products provisions, applicable to domestic animals, of the Act of Congress approved March 4, 1913 (37 Stat. 832-833);".

21 USC 392.

58 Stat. 702.
42 USC 262.

21 USC 151-158.

EFFECTIVE DATE AND TRANSITIONAL PROVISIONS

SEC. 108. (a) Except as otherwise provided in this section, the amendments made by the foregoing sections shall take effect on the first day of the thirteenth calendar month which begins after the date of enactment of this Act.

(b) (1) As used in this subsection, the term "effective date" means the effective date specified in subsection (a) of this section; the term "basic Act" means the Federal Food, Drug, and Cosmetic Act; and other terms used both in this section and the basic Act shall have the same meaning as they have, or had, at the time referred to in the context, under the basic Act.

Definitions.

(2) Any approval, prior to the effective date, of a new animal drug or of an animal feed bearing or containing a new animal drug, whether granted by approval of a new-drug application, master file, antibiotic regulation, or food additive regulation, shall continue in effect, and shall be subject to change in accordance with the provisions of the basic Act as amended by this Act.

(3) In the case of any drug (other than a drug subject to section 512(n) of the basic Act as amended by this Act) intended for use in animals other than man which, on October 9, 1962, (A) was commercially used or sold in the United States, (B) was not a new drug as defined by section 201(p) of the basic Act as then in force, and (C) was not covered by an effective application under section 505 of that Act, the words "effectiveness" and "effective" contained in section 201 (w) as added by this Act to the basic Act shall not apply to such drug when intended solely for use under conditions prescribed, recommended, or suggested in labeling with respect to such drug on that day.

Ante, p. 350.

52 Stat. 1041.
21 USC 321.

76 Stat. 781-
785.
21 USC 355.
Ante, p. 351.

(4) Regulations providing for fees (and advance deposits to cover fees) which on the day preceding the effective date applicable under subsection (a) of this section were in effect pursuant to section 507 of the basic Act shall, except as the Secretary may otherwise prescribe, be deemed to apply also under section 512(n) of the basic Act, and appropriations of fees (and of advance deposits to cover fees) available for the purposes specified in such section 507 as in effect prior to the effective date shall also be available for the purposes specified in section 512(n), including preparatory work or proceedings prior to that date.

59 Stat. 463;
76 Stat. 785-788.
21 USC 357.

Approved July 13, 1968.

Public Law 90-400

AN ACT

July 13, 1968
[S. 1251]

To make certain reclamation project expenses nonreimbursable.

Reclamation
project employees.

Severance pay.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any provision of the Federal reclamation laws, as amended and supplemented, (a) severance payments heretofore made to employees of the Department of the Interior resulting from the transfer to the A and B Irrigation District of operation and maintenance responsibilities for the North Side pumping division of the Minidoka Federal reclamation project, Idaho, and (b) severance payments which hereafter may be made to employees of the Department of the Interior as a result of the transfer to the Quincy-Columbia Basin Irrigation District, the East Columbia Basin Irrigation District, and the South Columbia Basin Irrigation District of operation and maintenance responsibilities for the irrigation facilities of the Columbia Basin Federal reclamation project, Washington, shall be nonreimbursable and nonreturnable.

Approved July 13, 1968.

Public Law 90-401

AN ACT

July 15, 1968
[S. 1401]

To amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes.

Land and Water
Conservation Fund
Act of 1965,
amendment.
Entrance and
user fees.
Repeal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2, subsection (a), of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 460 l-5), except the fourth paragraph thereof, is repealed; said fourth paragraph is redesignated section 10 of said Act; and subsections (b) and (c) of said section 2 are redesignated (a) and (b), respectively.

Special account.

(b) It is not the intent of the Congress by this repealer to indicate that Federal agencies which have under their administrative jurisdiction areas or facilities used or useful for outdoor recreation or which furnish services related to outdoor recreation shall not exercise any authority they may have, including authority under section 501 of the Act of August 31, 1951 (65 Stat. 290; 31 U.S.C. 483a), or any authority they may hereafter be given, to make reasonable charges for admission to such areas, for the use of such facilities, or for the furnishing of such services. Except as otherwise provided by law or as may be required by lawful contracts entered into prior to September 3, 1964, providing that revenues collected at particular

Federal areas shall be credited to specific purposes, all fees so charged shall be covered into a special account under the Land and Water Conservation Fund and shall be available for appropriation, without prejudice to appropriations from other sources for the same purposes, for any authorized outdoor recreation function of the agency by which the fees were collected.

(c) Section 6, subsection (a), of said Act is amended by striking out the words "in substantially the same proportion as the number of visitor-days in areas and projects hereinafter described for which admission fees are charged under section 2 of this Act".

16 USC 460l-9.

(d) The provisions of subsections (a) and (c) of this section shall be effective March 31, 1970. Until that date, revenues derived from the subsection (a) that is repealed by this section shall continue to be covered into the fund.

Effective date.

SEC. 2. The aforesaid section 2 of the Land and Water Conservation Fund Act of 1965 is further amended by adding at the end thereof the following new subsection:

"(c) (1) OTHER REVENUES.—In addition to the sum of the revenues and collections estimated by the Secretary of the Interior to be covered into the fund pursuant to this section, as amended, there are authorized to be appropriated annually to the fund out of any money in the Treasury not otherwise appropriated such amounts as are necessary to make the income of the fund not less than \$200,000,000 for each of the five fiscal years beginning July 1, 1968, and ending June 30, 1973.

"(2) To the extent that any such sums so appropriated are not sufficient to make the total annual income of the fund amount to \$200,000,000 for each of such fiscal years, an amount sufficient to cover the remainder thereof shall be credited to the fund from revenues due and payable to the United States for deposit in the Treasury as miscellaneous receipts under the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1331 et seq.): *Provided*, That notwithstanding the provisions of section 3 of this Act, moneys covered into the fund under this paragraph shall remain in the fund until appropriated by the Congress to carry out the purpose of this Act."

67 Stat. 462.

16 USC 460l-6.

SEC. 3. The first sentence of section 4, subsection (b), of the Land and Water Conservation Fund Act of 1965 is amended by deleting "for a total of eight years" and inserting in lieu thereof "until the end of fiscal year 1969".

Advance appro-
priations.

16 USC 460l-7.

SEC. 4. The Land and Water Conservation Fund Act of 1965 is further amended by adding thereto the following new sections:

78 Stat. 897.
16 USC 460l-4
note.

"SEC. 8. Not to exceed \$30,000,000 of the money authorized to be appropriated from the fund by section 3 of this Act may be obligated by contract during each of fiscal years 1969 and 1970 for the acquisition of lands, waters, or interests therein within areas specified in section 6(a) (1) of this Act. Any such contract may be executed by the head of the department concerned, within limitations prescribed by the Secretary of the Interior. Any such contract so entered into shall be deemed a contractual obligation of the United States and shall be liquidated with money appropriated from the fund specifically for liquidation of such contract obligation. No contract may be entered into for the acquisition of property pursuant to this section unless such acquisition is otherwise authorized by Federal law.

Advance con-
tract authority.
16 USC 460l-6.

"SEC. 9. The Secretary of the Interior may enter into contracts for options to acquire lands, waters, or interests therein within the exterior boundaries of any area the acquisition of which is authorized by law for inclusion in the national park system. The minimum period of any such option shall be two years, and any sums expended for the purchase thereof shall be credited to the purchase price of said area. Not to exceed \$500,000 of the sum authorized to be appropriated from the

Option acqui-
sition authority.

fund by section 3 of this Act may be expended by the Secretary in any one fiscal year for such options."

Freehold or
leasehold inter-
est, conveyance.

Former owners,
priority.

Land exchange
authority.

Public hear-
ing.

Proceeds.

SEC. 5. (a) With respect to any property acquired by the Secretary of the Interior within a unit of the national park system or miscellaneous area, except property within national parks, or within national monuments of scientific significance, the Secretary may convey a freehold or leasehold interest therein, subject to such terms and conditions as will assure the use of the property in a manner which is, in the judgment of the Secretary, consistent with the purpose for which the area was authorized by the Congress. In any case in which the Secretary exercises his discretion to convey such interest, he shall do so to the highest bidder, in accordance with such regulations as the Secretary may prescribe, but such conveyance shall be at not less than the fair market value of the interest, as determined by the Secretary; except that if any such conveyance is proposed within two years after the property to be conveyed is acquired by the Secretary, he shall allow the last owner or owners of record of such property thirty days following the date on which they are notified by the Secretary in writing that such property is to be conveyed within which to notify the Secretary that such owners wish to acquire such interest. Upon receiving such timely request, the Secretary shall convey such interest to such person or persons, in accordance with such regulations as the Secretary may prescribe, upon payment or agreement to pay an amount equal to the highest bid price.

(b) The Secretary of the Interior is authorized to accept title to any non-Federal property or interest therein within a unit of the National Park System or miscellaneous area under his administration, and in exchange therefor he may convey to the grantor of such property or interest any Federally-owned property or interest therein under his jurisdiction which he determines is suitable for exchange or other disposal and which is located in the same State as the non-Federal property to be acquired: *Provided, however,* That timber lands subject to harvest under a sustained yield program shall not be so exchanged. Upon request of a State or a political subdivision thereof, or of a party in interest, prior to such exchange the Secretary or his designee shall hold a public hearing in the area where the lands to be exchanged are located. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor from funds appropriated for the acquisition of land for the area, or to the Secretary as the circumstances require.

(c) The proceeds received from any conveyance under this section shall be credited to the land and water conservation fund in the Treasury of the United States.

Approved July 15, 1968.

Public Law 90-402

July 18, 1968
[S. 2701]

AN ACT

To provide for sale or exchange of isolated tracts of tribal lands on the Flathead Reservation, Montana.

Flathead Reser-
vation, Mont.
Tribal lands,
sale or exchange.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon request of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, acting through their governing body, the Secretary of the Interior is authorized to dispose of the following described tribal lands within the exterior boundaries of the reservation by sale at not less than fair market value or by exchange: *Provided,* That

the values of any lands so exchanged either shall be approximately equal in fair market value, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require:

Township 17 north, range 20 west, M.P.M., section 6, lots 2, 3, 4, containing 118.33 acres.

Township 18 north, range 21 west, M.P.M., section 20, north half north half northwest quarter southeast quarter, containing 10.00 acres.

Township 19 north, range 21 west, M.P.M., section 28 south half northeast quarter, containing 80.00 acres.

Township 20 north, range 21 west, M.P.M., section 1 northeast quarter southwest quarter, containing 40.00 acres.

Township 22 north, range 22 west, M.P.M., section 3 north half southeast quarter, containing 80.00 acres.

Township 19 north, range 23 west, M.P.M., section 5 northeast quarter southwest quarter, containing 40.00 acres; section 35 south half northeast quarter, southeast quarter northwest quarter, northeast quarter southeast quarter, containing 160.00 acres.

Township 20 north, range 23 west, M.P.M., section 15 northeast quarter, southeast quarter northwest quarter, containing 200.00 acres; section 17 west half southwest quarter, containing 80.00 acres; section 18 southeast quarter northeast quarter, east half southeast quarter, containing 120.00 acres; section 29 northwest quarter southwest quarter, containing 40.00 acres; section 30 northeast quarter southeast quarter, containing 40.00 acres; section 29 west half southwest quarter southwest quarter southwest quarter, containing 5.00 acres; section 32 northwest quarter northwest quarter northwest quarter northwest quarter, containing 2.50 acres.

Township 22 north, range 23 west, M.P.M., section 9 southwest quarter northeast quarter, southeast quarter northwest quarter, east half southwest quarter, west half southeast quarter, containing 240.00 acres.

Township 23 north, range 23 west, M.P.M., section 3 southwest quarter northeast quarter, containing 40.00 acres; section 5 west half southeast quarter northwest quarter, southwest quarter northwest quarter, containing 60.00 acres; section 17 southeast quarter southeast quarter, containing 40.00 acres; section 19 lots 2 and 4, southeast quarter northwest quarter, containing 103.21 acres.

Township 24 north, range 23 west, M.P.M., section 19, southwest quarter, northeast quarter, northeast quarter southwest quarter, east half southeast quarter, containing 160.00 acres; section 20, southwest quarter southwest quarter, containing 40.00 acres; section 30, northeast quarter northeast quarter, containing 40.00 acres.

Township 23 north, range 24 west, M.P.M., section 1, northeast quarter southwest quarter, containing 40.00 acres; section 3, northwest quarter southeast quarter, containing 40.00 acres; section 24, northeast quarter southeast quarter northeast quarter, south half southeast quarter northeast quarter, southeast quarter southeast quarter southeast quarter, containing 40.00 acres.

Township 24 north, range 24 west, M.P.M., section 1, lot 2, containing 26.10 acres; section 35, northwest quarter northeast quarter, containing 40.00 acres.

The net proceeds from the sale or exchange of lands pursuant to this section shall be used to acquire within a reasonable time additional lands within the reservation boundaries in accordance with section 2 of this Act.

SEC. 2. Upon request of the Confederated Salish and Kootenai Tribes, the Secretary of the Interior is authorized to acquire Indian- or non-Indian-owned lands within the reservation boundaries for such tribes, and such lands may be held for tribal use or for sale to tribal members. Title to lands acquired pursuant to this authority shall be taken in the name of the United States in trust for the tribes or the tribal member to whom the land is sold.

Approved July 18, 1968.

Public Law 90-403

July 18, 1968
[S. 1059]

AN ACT

To amend the Act relating to the leasing of lands in Alaska for grazing in order to make certain improvements in such Act.

Alaska.
Grazing lands.

48 USC 471-
471o.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Act entitled "An Act to provide for the protection, development, and utilization of the public lands in Alaska by establishing an adequate system for grazing livestock thereon", approved March 4, 1927 (44 Stat. 1452), is amended to read as follows:

"NOTICE OF ESTABLISHMENT AND ALTERATION OF GRAZING RIGHTS

"SEC. 5. Before establishing or altering a district the Secretary shall publish once a week for a period of six consecutive weeks in a newspaper of general circulation in each judicial division in which the district proposed to be established or altered is located, a notice describing the boundaries of the proposed district or the proposed alteration, announcing the date on which he proposes to establish such district or make such alteration and the location and date of hearings required under this section. No such alteration shall be made until after public hearings are held with respect to such alteration in each such judicial division after the publishing of such notice."

SEC. 2. (a) Subsection (a) of section 7 of such Act of March 4, 1927, is amended to read as follows:

"SEC. 7. (a) A lease may be made for such term as the Secretary deems reasonable, but not to exceed fifty-five years, taking into consideration all factors that are relevant to the exercise of the grazing privileges conferred."

(b) Such section 7 is further amended by inserting at the end thereof a new subsection as follows:

"(d) Each lease shall provide that the lessee may negotiate for renewal of such lease, subject to the provisions of this Act, at any time during the final five years of the term of such lease."

SEC. 3. Section 14 of such Act of March 4, 1927, is amended by inserting "(a)" after "SEC. 14" and by inserting at the end of such section a new subsection as follows:

"(b) The Secretary shall take no action which will adversely affect rights under any lease pursuant to this Act until notifying the holder of such lease that such action is proposed and giving such holder an opportunity for a hearing."

Approved July 18, 1968.

Public Law 90-404

AN ACT

To restrict the disposition of lands acquired as part of the National Wildlife Refuge System.

July 18, 1968
[S. 322]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(a) of the Act of October 15, 1966 (80 Stat. 927; 16 U.S.C. 668dd(a)), is amended by adding at the end thereof the following new sentences: "No acquired lands which are or become a part of the System may be transferred or otherwise disposed of under any provision of law (except by exchange pursuant to subsection (b)(3) of this section) unless (1) the Secretary of the Interior determines after consultation with the Migratory Bird Conservation Commission that such lands are no longer needed for the purposes for which the System was established, and (2) such lands are transferred or otherwise disposed of for an amount not less than (A) the acquisition costs of such lands, in the case of lands of the System which were purchased by the United States with funds from the migratory bird conservation fund, or (B) the fair market value of such lands (as determined by the Secretary as of the date of the transfer or disposal), in the case of lands of the System which were donated to the System. The Secretary shall pay into the migratory bird conservation fund the aggregate amount of the proceeds of any transfer or disposal referred to in the preceding sentence."

National Wildlife Refuge System.
Disposition of lands, restriction.

SEC. 2. The amendments made by the first section of this Act shall apply only with respect to transfers and disposals of land initiated and completed after the date of their enactment.

Approved July 18, 1968.

Public Law 90-405

JOINT RESOLUTION

Authorizing the President to proclaim August 11, 1968, as "Family Reunion Day".

July 18, 1968
[S. J. Res. 165]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating August 11, 1968, as "Family Reunion Day", and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

Family Reunion Day.
Proclamation.

Approved July 18, 1968.

Public Law 90-406

JOINT RESOLUTION

To authorize the President to issue a proclamation designating the week of October 13, 1968, as "Salute to Eisenhower Week".

July 18, 1968
[H. J. Res. 1302]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized and requested to issue a proclamation designating the week of October 13, 1968, as "Salute to Eisenhower Week", and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

Salute to Eisenhower Week.
Proclamation.

Approved July 18, 1968.

Public Law 90-407

July 18, 1968
[H. R. 5404]

AN ACT

To amend the National Science Foundation Act of 1950 to make changes and improvements in the organization and operation of the Foundation, and for other purposes.

National Science
Foundation Act of
1950, amendments.
64 Stat. 149.
42 USC 1862.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the National Science Foundation Act of 1950 is amended to read as follows:

“FUNCTIONS OF THE FOUNDATION

“SEC. 3. (a) The Foundation is authorized and directed—

“(1) to initiate and support basic scientific research and programs to strengthen scientific research potential in the mathematical, physical, medical, biological, engineering, social, and other sciences, by making contracts or other arrangements (including grants, loans, and other forms of assistance) to support such scientific activities and to appraise the impact of research upon industrial development and upon the general welfare;

“(2) to award, as provided in section 10, scholarships and graduate fellowships in the mathematical, physical, medical, biological, engineering, social, and other sciences;

“(3) to foster the interchange of scientific information among scientists in the United States and foreign countries;

“(4) to foster and support the development and use of computer and other scientific methods and technologies, primarily for research and education in the sciences;

“(5) to evaluate the status and needs of the various sciences as evidenced by programs, projects, and studies undertaken by agencies of the Federal Government, by individuals, and by public and private research groups, employing by grant or contract such consulting services as it may deem necessary for the purpose of such evaluations; and to take into consideration the results of such evaluations in correlating the research and educational programs undertaken or supported by the Foundation with programs, projects, and studies undertaken by agencies of the Federal Government, by individuals, and by public and private research groups;

“(6) to maintain a current register of scientific and technical personnel, and in other ways to provide a central clearinghouse for the collection, interpretation, and analysis of data on the availability of, and the current and projected need for, scientific and technical resources in the United States, and to provide a source of information for policy formulation by other agencies of the Federal Government; and

“(7) to initiate and maintain a program for the determination of the total amount of money for scientific research, including money allocated for the construction of the facilities wherein such research is conducted, received by each educational institution and appropriate nonprofit organization in the United States, by grant, contract, or other arrangement from agencies of the Federal Government, and to report annually thereon to the President and the Congress.

“(b) The Foundation is authorized to initiate and support specific scientific activities in connection with matters relating to international cooperation or national security by making contracts or other arrangements (including grants, loans, and other forms of assistance) for the conduct of such scientific activities. Such activities when initiated or supported pursuant to requests made by the Secretary of State or

the Secretary of Defense shall be financed solely from funds transferred to the Foundation by the requesting Secretary as provided in section 15(g), and any such activities shall be unclassified and shall be identified by the Foundation as being undertaken at the request of the appropriate Secretary.

Post, p. 366.

“(c) In addition to the authority contained in subsections (a) and (b), the Foundation is authorized to initiate and support scientific research, including applied research, at academic and other nonprofit institutions. When so directed by the President, the Foundation is further authorized to support, through other appropriate organizations, applied scientific research relevant to national problems involving the public interest. In exercising the authority contained in this subsection, the Foundation may employ by grant or contract such consulting services as it deems necessary, and shall coordinate and correlate its activities with respect to any such problem with other agencies of the Federal Government undertaking similar programs in that field.

“(d) The Board and the Director shall recommend and encourage the pursuit of national policies for the promotion of basic research and education in the sciences.

“(e) In exercising the authority and discharging the functions referred to in the foregoing subsections, it shall be one of the objectives of the Foundation to strengthen research and education in the sciences, including independent research by individuals, throughout the United States, and to avoid undue concentration of such research and education.

“(f) The Foundation shall render an annual report to the President for submission on or before the 15th day of January of each year to the Congress, summarizing the activities of the Foundation and making such recommendations as it may deem appropriate. Such report shall include information as to the acquisition and disposition by the Foundation of any patents and patent rights.”

Report to President.

SEC. 2. Section 4 of the National Science Foundation Act of 1950 is amended to read as follows:

*National Science Board.
64 Stat. 150.
42 USC 1863.*

“NATIONAL SCIENCE BOARD

“SEC. 4. (a) The Board shall consist of twenty-four members to be appointed by the President, by and with the advice and consent of the Senate, and of the Director *ex officio*. In addition to any powers and functions otherwise granted to it by this Act, the Board shall establish the policies of the Foundation.

Membership.

“(b) The Board shall have an Executive Committee as provided in section 7, and may delegate to it or to the Director or both such of the powers and functions granted to the Board by this Act as it deems appropriate.

Post, p. 364.

“(c) The persons nominated for appointment as members of the Board (1) shall be eminent in the fields of the basic, medical, or social sciences, engineering, agriculture, education, research management, or public affairs; (2) shall be selected solely on the basis of established records of distinguished service; and (3) shall be so selected as to provide representation of the views of scientific leaders in all areas of the Nation. The President is requested, in the making of nominations of persons for appointment as members, to give due consideration to any recommendations for nomination which may be submitted to him by the National Academy of Sciences, the National Association of State Universities and Land Grant Colleges, the Association of American Universities, the Association of American Colleges, the Association of State Colleges and Universities, or by other scientific or educational organizations.

Term of office.

“(d) The term of office of each member of the Board shall be six years; except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. Any person, other than the Director, who has been a member of the Board for twelve consecutive years shall thereafter be ineligible for appointment during the two-year period following the expiration of such twelfth year.

Meetings.

“(e) The Board shall meet annually on the third Monday in May unless, prior to May 10 in any year, the Chairman has set the annual meeting for a day in May other than the third Monday, and at such other times as the Chairman may determine, but he shall also call a meeting whenever one-third of the members so request in writing. A majority of the members of the Board shall constitute a quorum. Each member shall be given notice, by registered mail or certified mail mailed to his last known address of record not less than fifteen days prior to any meeting, of the call of such meeting.

Chairman and Vice Chairman.

“(f) The election of the Chairman and Vice Chairman of the Board shall take place at each annual meeting occurring in an even-numbered year. The Vice Chairman shall perform the duties of the Chairman in his absence. In case a vacancy occurs in the chairmanship or vice chairmanship, the Board shall elect a member to fill such vacancy.

Report to President.

“(g) The Board shall render an annual report to the President, for submission on or before the 31st day of January of each year to the Congress, on the status and health of science and its various disciplines. Such report shall include an assessment of such matters as national scientific resources and trained manpower, progress in selected areas of basic scientific research, and an indication of those aspects of such progress which might be applied to the needs of American society. The report may include such recommendations as the Board may deem timely and appropriate.

Staff.

“(h) The Board may, with the concurrence of a majority of its members, permit the appointment of a staff consisting of not more than five professional staff members and such clerical staff members as may be necessary. Such staff shall be appointed by the Director and assigned at the direction of the Board. The professional members of such staff may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 of such title relating to classification, and compensated at a rate not exceeding the appropriate rate provided for individuals in grade GS-15 of the General Schedule under section 5332 of such title, as may be necessary to provide for the performance of such duties as may be prescribed by the Board in connection with the exercise of its powers and functions under this Act. Each appointment under this subsection shall be subject to the same security requirements as those required for personnel of the Foundation appointed under section 15(a).

80 Stat. 443.
5 USC 5101.

5 USC 5332
note.

Post, p. 365.

“(i) The Board is authorized to establish such special commissions as it may from time to time deem necessary for the purposes of this Act.

“(j) The Board is also authorized to appoint from among its members such committees as it deems necessary, and to assign to committees so appointed such survey and advisory functions as the Board deems appropriate to assist it in exercising its powers and functions under this Act.”

64 Stat. 151;
73 Stat. 467.
42 USC 1864.

SEC. 3. Section 5 of the National Science Foundation Act of 1950 is amended to read as follows:

"DIRECTOR OF THE FOUNDATION

"SEC. 5. (a) The Director of the Foundation (referred to in this Act as the 'Director') shall be appointed by the President, by and with the advice and consent of the Senate. Before any person is appointed as Director, the President shall afford the Board an opportunity to make recommendations to him with respect to such appointment. The Director shall receive basic pay at the rate provided for level II of the Executive Schedule under section 5313 of title 5, United States Code, and shall serve for a term of six years unless sooner removed by the President.

Appointment,
compensation.

80 Stat. 460.

"(b) Except as otherwise specifically provided in this Act (1) the Director shall exercise all of the authority granted to the Foundation by this Act (including any powers and functions which may be delegated to him by the Board), and (2) all actions taken by the Director pursuant to the provisions of this Act (or pursuant to the terms of a delegation from the Board) shall be final and binding upon the Foundation.

"(c) The Director may from time to time make such provisions as he deems appropriate authorizing the performance by any other officer, agency, or employee of the Foundation of any of his functions under this Act, including functions delegated to him by the Board; except that the Director may not redelegate policymaking functions delegated to him by the Board.

"(d) The formulation of programs in conformance with the policies of the Foundation shall be carried out by the Director in consultation with the Board.

"(e) The Director shall not make any contract, grant, or other arrangement pursuant to section 11(c) without the prior approval of the Board, except that a grant, contract, or other arrangement involving a total commitment of less than \$2,000,000, or less than \$500,000 in any one year, or a commitment of such lesser amount or amounts and subject to such other conditions as the Board in its discretion may from time to time determine to be appropriate and publish in the Federal Register, may be made if such action is taken pursuant to the terms and conditions set forth by the Board, and if each such action is reported to the Board at the Board meeting next following such action.

Post, p. 365.

Publication in
Federal Register.

"(f) The Director, in his capacity as ex officio member of the Board, shall, except with respect to compensation and tenure, be coordinate with the other members of the Board. He shall be a voting member of the Board and shall be eligible for election by the Board as Chairman or Vice Chairman of the Board."

SEC. 4. The National Science Foundation Act of 1950 is further amended by striking out section 8, by redesignating sections 6 and 7 as sections 7 and 8, respectively, and by inserting after section 5 the following new section:

64 Stat. 151, 152.
42 USC 1865-
1867.

"DEPUTY DIRECTOR AND ASSISTANT DIRECTORS

"SEC. 6. (a) There shall be a Deputy Director of the Foundation (referred to in this Act as the 'Deputy Director'), who shall be appointed by the President, by and with the advice and consent of the Senate. Before any person is appointed as Deputy Director, the President shall afford the Board and the Director an opportunity to make recommendations to him with respect to such appointment. The Deputy Director shall receive basic pay at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code, and shall perform such duties and exercise such powers

Appointment,
compensation.

81 Stat. 638.

as the Director may prescribe. The Deputy Director shall act for, and exercise the powers of, the Director during the absence or disability of the Director or in the event of a vacancy in the office of Director.

“(b) There shall be four Assistant Directors of the Foundation (each referred to in this Act as an ‘Assistant Director’), who shall be appointed by the President, by and with the advice and consent of the Senate. Before any person is appointed as an Assistant Director, the President shall afford the Board and the Director an opportunity to make recommendations to him with respect to such appointment. Each Assistant Director shall receive basic pay at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code, and shall perform such duties and exercise such powers as the Director may prescribe.”

81 Stat. 638.

SEC. 5. The section of the National Science Foundation Act of 1950 redesignated as section 7 by section 4 of this Act is amended to read as follows:

64 Stat. 151;

73 Stat. 467.

42 USC 1865.

“EXECUTIVE COMMITTEE

“SEC. 7. (a) There shall be an Executive Committee of the Board (referred to in this Act as the ‘Executive Committee’), which shall be composed of five members and shall exercise such powers and functions as may be delegated to it by the Board. Four of the members shall be elected as provided in subsection (b), and the Director ex officio shall be the fifth member and the chairman of the Executive Committee.

“(b) At each of its annual meetings the Board shall elect two of its members as members of the Executive Committee, and the Executive Committee members so elected shall hold office for two years from the date of their election. Any person, other than the Director, who has been a member of the Executive Committee for six consecutive years shall thereafter be ineligible for service as a member thereof during the two-year period following the expiration of such sixth year. For the purposes of this subsection, the period between any two consecutive annual meetings of the Board shall be deemed to be one year.

“(c) Any person elected as a member of the Executive Committee to fill a vacancy occurring prior to the expiration of the term for which his predecessor was elected shall be elected for the remainder of such term.

Report.

“(d) The Executive Committee shall render an annual report to the Board, and such other reports as it may deem necessary, summarizing its activities and making such recommendations as it may deem appropriate. Minority views and recommendations, if any, of members of the Executive Committee shall be included in such reports.”

SEC. 6. The section of the National Science Foundation Act of 1950 redesignated as section 8 by section 4 of this Act is amended to read as follows:

64 Stat. 152.

42 USC 1866.

“DIVISIONS WITHIN THE FOUNDATION

“SEC. 8. There shall be within the Foundation such Divisions as the Director, in consultation with the Board, may from time to time determine.”

SEC. 7. Section 9(a) of the National Science Foundation Act of 1950 is amended by striking out “section 3(a)(7)” and inserting in lieu thereof “section 4(i)”.

42 USC 1868.

SEC. 8. Section 10 of the National Science Foundation Act of 1950 is amended—

73 Stat. 468.

42 USC 1869.

(1) by inserting “social,” after “engineering;” and

(2) by striking out “among the States, Territories, possessions, and the District of Columbia” and inserting in lieu thereof “throughout the United States”.

SEC. 9. (a) Section 11(c) of the National Science Foundation Act of 1950 is amended—

64 Stat. 153.
42 USC 1870.

- (1) by striking out “basic”;
- (2) by striking out “research” each place it appears;
- (3) by inserting “Secretary of State or” before “Secretary of Defense”; and
- (4) by striking out “the national defense” and inserting in lieu thereof “international cooperation or national security”.

(b) Section 11(d) of such Act is amended by striking out “research” and inserting in lieu thereof “activities”.

(c) Section 11(h) of such Act is amended by striking out “section 5 of the Act of August 2, 1946 (5 U.S.C. 73b-2)” and inserting in lieu thereof “section 5703 of title 5, United States Code.”

80 Stat. 499.

(d) Section 11 of such Act is further amended by striking out the word “and” at the end of clause (h), by striking out the period at the end of clause (i) and inserting in lieu thereof a semicolon and the word “and”, and by inserting at the end thereof a new clause as follows:

“(j) to arrange with and reimburse the heads of other Federal agencies for the performance of any activity which the Foundation is authorized to conduct.”

SEC. 10. Section 13(a) of the National Science Foundation Act of 1950 is amended—

73 Stat. 468.
42 USC 1872.

- (1) by striking out “, with the approval of the Board,”; and
- (2) by striking out “section 16(d) (2)” and inserting in lieu thereof “section 15(d) (2)”.

SEC. 11. Effective September 1, 1968—

(1) section 14 of the National Science Foundation Act of 1950 is repealed, and notwithstanding the provisions of the first section of this Act, until such date the provisions of section 3(a) (9) of such Act of 1950 shall remain in effect for the purposes of such section 14; and

Repeal.
72 Stat. 353.
42 USC 1872a.

42 USC 1862.

(2) sections 15, 16, and 17 of such Act, and all references thereto in such Act, are redesignated as sections 14, 15, and 16, respectively.

64 Stat. 156;
72 Stat. 353.
42 USC 1873-1875.

SEC. 12. (a) Section 15 of the National Science Foundation Act of 1950 is amended to read as follows:

“MISCELLANEOUS PROVISIONS

“SEC. 15. (a) The Director shall, in accordance with such policies as the Board shall from time to time prescribe, appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act. Except as provided in section 4(h), such appointments shall be made and such compensation shall be fixed in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates: *Provided*, That the Director may, in accordance with such policies as the Board shall from time to time prescribe, employ such technical and professional personnel and fix their compensation, without regard to such provisions, as he may deem necessary for the discharge of the responsibilities of the Foundation under this Act. The members of the special commissions shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

Ante, p. 362.

“(b) Neither the Director, the Deputy Director, nor any Assistant Director shall engage in any other business, vocation, or employment while serving in such position; nor shall the Director, the Deputy

80 Stat. 443,
467.
5 USC 5101-5115, 5331-5338.

Director, or any Assistant Director, except with the approval of the Board, hold any office in, or act in any capacity for, any organization, agency, or institution with which the Foundation makes any grant, contract, or other arrangement under this Act.

“(c) The Foundation shall not, itself, operate any laboratories or pilot plants.

Compensation;
travel expenses.

“(d) The members of the Board and the members of each special commission shall receive compensation at the rate of \$100 for each day engaged in the business of the Foundation pursuant to authorization of the Foundation and shall be allowed travel expenses as authorized by section 5703 of title 5, United States Code.

80 Stat. 499.

“(e) Persons holding other offices in the executive branch of the Federal Government may serve as members of special commissions, but they shall not receive remuneration for their services as such members during any period for which they receive compensation for their services in such other offices.

“(f) In making contracts or other arrangements for scientific research, the Foundation shall utilize appropriations available therefor in such manner as will in its discretion best realize the objectives of (1) having the work performed by organizations, agencies, and institutions, or individuals in the United States or foreign countries, including Government agencies of the United States and of foreign countries, qualified by training and experience to achieve the results desired, (2) strengthening the research staff of organizations, particularly non-profit organizations, in the United States, (3) aiding institutions, agencies, or organizations which, if aided, will advance scientific research, and (4) encouraging independent scientific research by individuals.

“(g) Funds available to any department or agency of the Government for scientific or technical research, or the provision of facilities therefor, shall be available for transfer, with the approval of the head of the department or agency involved, in whole or in part, to the Foundation for such use as is consistent with the purposes for which such funds were provided, and funds so transferred shall be expendable by the Foundation for the purposes for which the transfer was made.

“United States.”

“(h) For purposes of this Act, the term ‘United States’ when used in a geographical sense means the States, the District of Columbia, the Commonwealth of Puerto Rico, and all territories and possessions of the United States.”

64 Stat. 156;
72 Stat. 353.
42 USC 1874.

SEC. 13. Section 16 of the National Science Foundation Act of 1950 is amended by striking out “1946” each place it appears and inserting in lieu thereof “1954”. Subsection (b) of such section is amended by striking out “section 15(h)” in paragraph (1) and inserting in lieu thereof “section 15(g)”.

Appropriations.
42 USC 1875.

SEC. 14. Subsection (a) of section 17 of the National Science Foundation Act of 1950 is amended to read as follows:

“(a) To enable the Foundation to carry out its powers and duties, there is hereby authorized to be appropriated to the Foundation for the fiscal year ending June 30, 1969, the sum of \$525,000,000; but for the fiscal year ending June 30, 1970, and each subsequent fiscal year, only such sums may be appropriated as the Congress may hereafter authorize by law. Sums authorized by this subsection shall be in addition to sums authorized by section 201(b)(1) of the Marine Resources and Engineering Development Act of 1966.”

80 Stat. 998.
33 USC 1121-
1124.
80 Stat. 460.

SEC. 15. (a)(1) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

“(19) Director of the National Science Foundation.”

(2) Section 5314 of such title is amended by striking out paragraph 40, and by inserting in lieu thereof the following new paragraph:

“(40) Deputy Director, National Science Foundation.”

(3) Section 5316 of such title is amended by striking out paragraph (66), and by inserting in lieu thereof the following new paragraph:

“(66) Assistant Directors, National Science Foundation (4).”

(4) The amendments made by this subsection (and the amendments made by sections 3 and 4 of this Act insofar as they relate to rates of basic pay) shall take effect on the first day of the first calendar month which begins on or after the date of the enactment of this Act.

(b) Section 902(c) of the National Defense Education Act of 1958 is amended by striking out “\$50” and inserting in lieu thereof “\$100”.

SEC. 16. Except as otherwise specifically provided therein, the amendments made by this Act are intended to continue in effect under the National Science Foundation Act of 1950 the existing offices, procedures, and organization of the National Science Foundation as provided by such Act, part II of Reorganization Plan Numbered 2 of 1962, and Reorganization Plan Numbered 5 of 1965. From and after the date of the enactment of this Act, part II of Reorganization Plan Numbered 2 of 1962, and Reorganization Plan Numbered 5 of 1965, shall be of no force or effect; but nothing in this Act shall alter or affect any transfers of functions made by part I of such Reorganization Plan Numbered 2 of 1962.

Approved July 18, 1968.

80 Stat. 461.
5 USC 5314.

80 Stat. 465.

Effective date.

72 Stat. 1601.
42 USC 1877.

76 Stat. 1254.
42 USC 1861
note.
79 Stat. 1323.
42 USC 1867
note.

Public Law 90-408

AN ACT

To authorize certain construction at military installations, and for other purposes.

July 21, 1968
[H. R. 16703]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SEC. 101. The Secretary of the Army may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including site preparation, appurtenances, utilities, and equipment for the following projects:

Military Construction and Reserve Forces Facilities Authorization Acts, 1969.
Army.

INSIDE THE UNITED STATES

UNITED STATES CONTINENTAL ARMY COMMAND

(First Army)

Fort Belvoir, Virginia: Operational and training facilities, research, development, and test facilities, and medical facilities, \$2,175,000.

Fort Dix, New Jersey: Training facilities, and utilities, \$2,449,000.
Fort Eustis, Virginia: Operational and training facilities, and troop housing, \$3,312,000.

Fort Hamilton, New York: Utilities, \$160,000.

A. P. Hill Military Reservation, Virginia: Troop housing, \$501,000.

Fort Knox, Kentucky: Research, development, and test facilities, and medical facilities, \$727,000.

Fort Lee, Virginia: Training facilities, and troop housing, \$2,021,000.

(Third Army)

Fort Benning, Georgia: Training facilities, maintenance facilities, research, development, and test facilities, troop housing, and utilities, \$4,126,000.

Fort Bragg, North Carolina: Maintenance facilities, medical facilities, and administrative facilities, \$953,000.

Fort Gordon, Georgia: Hospital facilities, \$21,362,000.

Fort Jackson, South Carolina: Operational facilities, and medical facilities, \$1,661,000.

Fort McPherson, Georgia: Operational facilities, \$596,000.

Fort Rucker, Alabama: Operational facilities, \$2,298,000.

(Fourth Army)

Fort Bliss, Texas: Training facilities, \$465,000.

Fort Hood, Texas: Maintenance facilities, \$877,000.

Fort Sam Houston, Texas: Operational facilities, \$1,226,000.

Fort Polk, Louisiana: Training facilities, \$1,690,000.

Fort Sill, Oklahoma: Research, development, and test facilities, and medical facilities, \$581,000.

Fort Wolters, Texas: Maintenance facilities, and troop housing, \$1,021,000.

(Fifth Army)

Fort Carson, Colorado: Troop housing, \$270,000.

Fort Benjamin Harrison, Indiana: Hospital facilities, \$4,590,000.

Fort Riley, Kansas: Troop housing, \$245,000.

Fort Sheridan, Illinois: Troop housing, \$1,111,000.

Fort Leonard Wood, Missouri: Training facilities, \$462,000.

(Sixth Army)

Hunter-Liggett Military Reservation, California: Maintenance facilities, and troop housing, \$1,055,000.

Fort Irwin, California: Utilities, \$52,000.

Fort Lewis, Washington: Training facilities, and utilities, \$1,871,000.

Presidio of San Francisco, California: Troop housing, \$1,666,000.

(Military District of Washington)

Fort McNair, District of Columbia: Troop housing, \$167,000.

UNITED STATES ARMY MATERIEL COMMAND

Aeronautical Maintenance Center, Texas: Maintenance facilities, \$3,656,000.

Atlanta Army Depot, Georgia: Operational facilities, \$107,000.

Burlington Army Ammunition Plant, New Jersey: Utilities, \$164,000.

Fort Detrick, Maryland: Research, development, and test facilities, \$6,433,000.

Dugway Proving Ground, Utah: Operational facilities, \$1,787,000.

Joliet Army Ammunition Plant, Illinois: Utilities, \$2,188,000.

Lake City Army Ammunition Plant, Missouri: Utilities, \$472,000.

Lexington Army Depot, Kentucky: Maintenance facilities, \$75,000.

Fort Monmouth, New Jersey: Operational facilities, and troop housing, \$1,307,000.

New Cumberland Army Depot, Pennsylvania: Operational facilities, \$638,000.

Picatinny Arsenal, New Jersey: Research, development, and test facilities, \$337,000.

Pine Bluff Arsenal, Arkansas: Utilities, \$169,000.

Pueblo Army Depot, Colorado: Maintenance facilities, \$846,000.

Red River Army Depot, Texas: Maintenance facilities, \$372,000.

Redstone Arsenal, Alabama: Research, development, and test facilities, \$3,255,000.

Rock Island Arsenal, Illinois: Production facilities, \$432,000.

Sacramento Army Depot, California: Maintenance facilities, \$855,000.

Savanna Army Depot, Illinois: Maintenance facilities, \$297,000.

Sierra Army Depot, California: Training facilities and troop housing, \$170,000.

Sunflower Army Ammunition Plant, Kansas: Utilities, \$460,000.

Tooele Army Depot, Utah: Operational facilities, and maintenance facilities, \$2,283,000.

White Sands Missile Range, New Mexico: Research, development, and test facilities, \$1,435,000.

Fort Wingate Army Depot, New Mexico: Utilities, \$162,000.

Yuma Test Station, Arizona: Maintenance facilities, \$736,000.

UNITED STATES ARMY AIR DEFENSE COMMAND

CONUS, various locations: Operational and training facilities, maintenance facilities, supply facilities, medical facilities, administrative facilities, troop housing, community facilities, utilities, and real estate, \$227,460,000.

UNITED STATES ARMY STRATEGIC COMMUNICATIONS COMMAND

Fort Huachuca, Arizona: Maintenance facilities, research, development, and test facilities, troop housing, and utilities, \$8,948,000.

Fort Ritchie, Maryland: Utilities, \$167,000.

UNITED STATES MILITARY ACADEMY

United States Military Academy, West Point, New York: Cadet housing, \$16,000,000.

ARMY MEDICAL SERVICE

William Beaumont General Hospital, Texas: Hospital facilities, \$17,545,000.

Walter Reed Army Medical Center, District of Columbia: Research, development, and test facilities, \$2,856,000.

MILITARY TRAFFIC MANAGEMENT AND TERMINAL SERVICE

Bayonne Naval Supply Center, New Jersey: Supply facilities, and utilities, \$812,000.

Oakland Army Terminal, California: Supply facilities, \$312,000.

UNITED STATES ARMY, ALASKA

Fort Richardson, Alaska: Utilities, \$112,000.

UNITED STATES ARMY, HAWAII

Fort Shafter, Hawaii: Administrative facilities, \$312,000.

Tripler Army Hospital, Hawaii: Utilities, \$621,000.

OUTSIDE THE UNITED STATES

UNITED STATES ARMY, PACIFIC

Japan, various: Maintenance facilities, and utilities, \$909,000.

Korea, various: Maintenance facilities, \$377,000.

Okinawa, various: Utilities, \$129,000.

UNITED STATES ARMY FORCES, SOUTHERN COMMAND

Canal Zone, various: Training facilities, troop housing, and utilities, \$300,000.

UNITED STATES ARMY MATERIEL COMMAND

Kwajalein Atoll: Research, development, and test facilities, and housing, \$3,925,000.

UNITED STATES ARMY SECURITY AGENCY

Various locations: Operational facilities, troop housing, and utilities, \$5,386,000.

UNITED STATES ARMY, EUROPE

Germany, various: Operational facilities, maintenance facilities, and supply facilities, \$17,384,000.

Various locations: For the United States share of the cost of multilateral programs for the acquisition or construction of military facilities and installations, including international military headquarters, for the collective defense of the North Atlantic Treaty Area, \$55,000,000: *Provided*, That, within thirty days after the end of each quarter, the Secretary of the Army shall furnish to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a description of obligations incurred as the United States share of such multilateral programs.

Report to congressional committees.

UNITED STATES ARMY STRATEGIC COMMUNICATIONS COMMAND

Various locations: Utilities, \$2,200,000.

SEC. 102. The Secretary of the Army may establish or develop Army installations and facilities by proceeding with construction made necessary by changes in Army missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of \$10,000,000: *Provided*, That the Secretary of the Army, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1969, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

Construction for unforeseen requirements.

Notification of congressional committees.

Authorization expiration.

SEC. 103. (a) Public Law 89-188, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 101, as follows:

79 Stat. 793.

(1) Under the subheading "CONTINENTAL UNITED STATES. Less Army Materiel Command (First Army)" with respect to "Fort Devens, Massachusetts", strike out "\$11,964,000" and insert in place thereof "\$13,258,000".

80 Stat. 742.

(2) Under the subheading "CONTINENTAL UNITED STATES. Less Army Materiel Command (First Army)" with respect to "United States Military Academy, West Point, New York", strike out "\$18,089,000" and insert in place thereof "\$20,635,000".

(3) Under the subheading "CONTINENTAL UNITED STATES, Less Army Materiel Command (Second Army)" with respect to "Fort Knox, Kentucky", strike out "\$15,422,000" and insert in place thereof "\$15,511,000".

(4) Under the subheading "CONTINENTAL UNITED STATES, Less Army Materiel Command (Third Army)" with respect to "Fort Campbell, Kentucky", strike out "\$1,992,000" and insert in place thereof "\$2,092,000".

(5) Under the subheading "CONTINENTAL UNITED STATES. Less Army Materiel Command (Third Army)" with respect to "Fort Stewart,

79 Stat. 794.

Georgia", strike out "\$2,317,000" and insert in place thereof "\$2,872,000".

(6) Under the subheading, "CONTINENTAL UNITED STATES, Less Army Materiel Command (Fifth Army)" with respect to "Fort Benjamin Harrison, Indiana", strike out "\$4,017,000" and insert in place thereof "\$4,513,000".

81 Stat. 283.

(7) Under the subheading, "CONTINENTAL UNITED STATES, Less Army Materiel Command (Fifth Army)" with respect to "Fort Leonard Wood, Missouri", strike out "\$16,536,000" and insert in place thereof "\$16,848,000".

79 Stat. 794.

(8) Under the subheading, "CONTINENTAL UNITED STATES, Less Army Materiel Command (Sixth Army)" with respect to "Presidio of Monterey, California", strike out "\$3,046,000" and insert in place thereof "\$3,249,000".

(9) Under the subheading, "CONTINENTAL UNITED STATES, Less Army Materiel Command (Military District of Washington)" with respect to "Fort Myer, Virginia", strike out "\$5,409,000", and insert in place thereof "\$5,631,000".

(10) Under the subheading, "UNITED STATES ARMY, HAWAII" with respect to "Schofield Barracks, Hawaii", strike out "\$3,175,000" and insert in place thereof "\$3,884,000".

81 Stat. 283.

(b) Public Law 89-188, as amended, is amended by striking out in clause (1) of section 602 "\$254,399,000" and "\$311,260,000", and inserting "\$260,925,000" and "\$317,786,000", respectively.

80 Stat. 739.

SEC. 104. (a) Public Law 89-568, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 101 as follows:

(1) Under the subheading, "UNITED STATES CONTINENTAL ARMY COMMAND (First Army)" with respect to "Fort Eustis, Virginia", strike out "\$957,000" and insert in place thereof "\$1,110,000".

(2) Under the subheading, "UNITED STATES CONTINENTAL ARMY COMMAND (Third Army)" with respect to "Fort Jackson, South Carolina", strike out "\$4,072,000" and insert in place thereof "\$5,565,000".

(3) Under the subheading "UNITED STATES ARMY MATERIEL COMMAND" with respect to "Atlanta Army Depot, Georgia", strike out "\$237,000" and insert in place thereof "\$470,000".

81 Stat. 284.

(b) Public Law 89-568, as amended, is amended by striking out in clause (1) of section 602 "\$57,473,000" and "\$132,188,000" and inserting "\$59,352,000" and "\$134,067,000", respectively.

81 Stat. 281.

SEC. 105. (a) Public Law 90-110 is amended under the heading "INSIDE THE UNITED STATES" in section 101, as follows:

(1) Under the heading "INSIDE THE UNITED STATES" and under the subheading, "UNITED STATES ARMY AIR DEFENSE COMMAND" with respect to "CONUS various locations," strike out the words "Operational facilities, and utilities, \$64,846,000" and insert in place thereof "Operational facilities, utilities and real estate, \$64,846,000".

(2) Subsection 106(a)(2), Public Law 90-110, amending Public Law 88-390, as amended, in section 101 under the subheading "CONTINENTAL ARMY COMMAND (Military District of Washington, District of Columbia)" with respect to "Fort Myer, Virginia," having inserted erroneous figures, is amended by striking out "\$4,052,000" and "\$4,330,000" and inserting in place thereof "\$4,524,000" and "\$4,802,000", respectively.

(3) Under the subheading "OUTSIDE THE UNITED STATES (United States Army, Pacific)" with respect to "Korea", strike out "\$2,810,000" and insert in place thereof "\$2,850,000".

81 Stat. 307.

(b) Public Law 90-110 is amended by striking out in clause (1) of section 802 "\$100,480,000" and "\$385,712,000" and inserting in place thereof "\$100,520,000" and "\$385,752,000".

TITLE II

SEC. 201. The Secretary of the Navy may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including site preparation, appurtenances, utilities, and equipment for the following projects:

Navy.

INSIDE THE UNITED STATES

FIRST NAVAL DISTRICT

Naval Air Station, Brunswick, Maine: Ground improvements, \$75,000.

Naval Shipyard, Boston, Massachusetts: Maintenance facilities, and utilities, \$2,737,000.

Naval Schools Command, Newport, Rhode Island: Troop housing, \$1,151,000.

Navy Public Works Center, Newport, Rhode Island: Utilities, \$2,874,000.

Naval Air Station, Quonset Point, Rhode Island: Operational facilities, and maintenance facilities, \$1,152,000.

THIRD NAVAL DISTRICT

Naval Submarine Base, New London, Connecticut: Operational facilities, \$1,225,000.

Naval Station, Brooklyn, New York: Community facilities, \$370,000.

FOURTH NAVAL DISTRICT

Naval Air Station, Lakehurst, New Jersey: Operational facilities, and troop housing, \$1,284,000.

Naval Air Test Facility, Lakehurst, New Jersey: Operational facilities, \$770,000.

Naval Air Propulsion Test Center, Trenton, New Jersey: Utilities, \$152,000.

Navy Ships Parts Control Center, Mechanicsburg, Pennsylvania: Administrative facilities, \$645,000.

Naval Supply Depot, Mechanicsburg, Pennsylvania: Utilities, \$497,000.

Naval Shipyard, Philadelphia, Pennsylvania: Operational facilities, maintenance facilities, and utilities, \$6,030,000.

Naval Station, Philadelphia, Pennsylvania: Troop housing, \$2,581,000.

Naval Supply Depot, Philadelphia, Pennsylvania: Utilities, \$327,000.

DISTRICT OF COLUMBIA NAVAL DISTRICT

Naval Academy, Annapolis, Maryland: Ground improvements, \$2,000,000.

Naval Ordnance Station, Indian Head, Maryland: Research, development, and test facilities, \$1,376,000.

Naval School, Explosive Ordnance Disposal, Indian Head, Maryland: Training facilities, \$134,000.

Naval Air Test Center, Patuxent River, Maryland: Operational facilities, research, development, and test facilities, \$3,257,000.

Naval Weapons Laboratory, Dahlgren, Virginia: Research, development, and test facilities, \$468,000.

FIFTH NAVAL DISTRICT

Naval Training Center, Bainbridge, Maryland: Utilities, \$50,000.
Fleet Anti-Air Warfare Training Center, Dam Neck, Virginia: Troop housing, and utilities, \$1,213,000.

Naval Amphibious Base, Little Creek, Virginia: Troop housing, and utilities, \$1,582,000.

Naval Shipyard, Norfolk, Virginia: Maintenance facilities, and utilities, \$4,869,000.

Fleet Operations Control Center, Norfolk, Virginia: Operational facilities, \$888,000.

Naval Station, Norfolk, Virginia: Troop housing, \$1,959,000.

Naval Air Station, Norfolk, Virginia: Operational facilities, and maintenance facilities, \$7,441,000.

Naval Supply Center, Norfolk, Virginia: Operational facilities, \$601,000.

Atlantic Fleet Anti-Submarine Warfare Tactical School, Norfolk, Virginia: Training facilities, \$205,000.

Navy Public Works Center, Norfolk, Virginia: Utilities and ground improvements, \$1,950,000.

Naval Radio Station, Northwest, Virginia: Administrative facilities, and medical facilities, \$175,000.

Naval Air Station, Oceana, Virginia: Operational facilities, troop housing, and utilities, \$3,020,000.

Naval Weapons Station, Yorktown, Virginia: Maintenance facilities, \$156,000.

SIXTH NAVAL DISTRICT

Naval Air Station, Cecil Field, Florida: Maintenance facilities, \$3,379,000.

Naval Air Station, Jacksonville, Florida: Maintenance facilities, \$1,085,000.

Naval Station, Mayport, Florida: Community facilities, \$550,000.

Naval Air Station, Key West, Florida: Operational facilities, \$97,000.

Naval School, Underwater Swimmers, Key West, Florida: Training facilities, \$100,000.

Naval Hospital, Key West, Florida: Utilities, \$140,000.

Naval Training Center, Orlando, Florida: Training facilities, troop housing, and utilities and ground improvements, \$5,266,000.

Naval Auxiliary Air Station, Ellyson Field, Florida: Supply facilities, \$79,000.

Navy Mine Defense Laboratory, Panama City, Florida: Research, development, and test facilities, \$7,411,000.

Naval Air Station, Pensacola, Florida: Operational and training facilities, maintenance facilities, troop housing, and real estate, \$8,041,000.

Naval Communications Training Center, Pensacola, Florida: Troop housing, \$866,000.

Navy Public Works Center, Pensacola, Florida: Utilities, \$3,100,000.

Naval Auxiliary Air Station, Saufley Field, Florida: Operational and training facilities, and maintenance facilities, \$700,000.

Naval Auxiliary Air Station, Whiting Field, Florida: Operational and training facilities, maintenance facilities, and utilities, \$626,000.

Naval Air Station, Albany, Georgia: Operational facilities, \$181,000.

Navy Supply Corps School, Athens, Georgia: Troop housing, \$1,372,000.

Naval Air Station, Glyneo, Georgia: Training facilities, \$141,000.

Naval Auxiliary Air Station, Meridian, Mississippi: Operational and training facilities, maintenance facilities, troop housing, and utilities, \$1,204,000.

Naval Shipyard, Charleston, South Carolina: Training facilities, maintenance facilities, and utilities, \$4,160,000.

Naval Station, Charleston, South Carolina: Administrative facilities, and troop housing, \$1,487,000.

Naval Weapons Station, Charleston, South Carolina: Maintenance facilities, supply facilities, and utilities and ground improvements, \$4,734,000.

Fleet Ballistic Missile Submarine Training Center, Charleston, South Carolina: Training facilities, \$2,540,000.

Fleet Training Center, Charleston, South Carolina: Training facilities, \$180,000.

Naval Schools, Mine Warfare, Charleston, South Carolina: Training facilities, \$1,639,000.

Naval Hospital, Charleston, South Carolina: Hospital and medical facilities, \$13,356,000.

Naval Air Station, Memphis, Tennessee: Troop housing, \$2,366,000.

Navy Training Publications Center, Memphis, Tennessee: Administrative facilities, \$289,000.

EIGHTH NAVAL DISTRICT

Naval Support Activity, New Orleans, Louisiana: Troop housing, \$400,000.

Naval Ordnance Missile Test Facility, White Sands, New Mexico: Research, development, and test facilities, \$698,000.

Naval Auxiliary Air Station, Chase Field, Texas: Operational and training facilities, maintenance facilities, troop housing, and utilities, \$5,106,000.

Naval Hospital, Corpus Christi, Texas: Hospital and medical facilities, \$8,000,000.

Naval Auxiliary Air Station, Kingsville, Texas: Operational and training facilities, \$721,000.

NINTH NAVAL DISTRICT

Naval Training Center, Great Lakes, Illinois: Training facilities, \$1,199,000.

Navy Public Works Center, Great Lakes, Illinois: Utilities, \$667,000.

Naval Ammunition Depot, Crane, Indiana: Operational facilities, and production facilities, \$150,000.

ELEVENTH NAVAL DISTRICT

Naval Air Facility, El Centro, California: Maintenance facilities, \$2,223,000.

Naval Shipyard, Long Beach, California: Operational facilities, and maintenance facilities, \$10,398,000.

Naval Undersea Warfare Center, Pasadena, California: (San Clemente Annex): Research, development, and test facilities, troop housing, and utilities, \$2,802,000.

Pacific Missile Range, Point Mugu, California: Operational and training facilities, at Naval Missile Center; and utilities on San Nicolas Island, \$159,000.

Naval Construction Battalion Center, Port Hueneme, California: Training facilities, \$94,000.

Naval Weapons Station, Seal Beach, California: Supply facilities, \$465,000.

Naval Amphibious Base, Coronado, California: Training facilities, maintenance facilities, troop housing, and utilities, \$5,798,000.

Naval Air Station, Imperial Beach, California: Maintenance facilities, troop housing, utilities, and real estate, \$5,674,000.

Naval Air Station, Miramar, California: Maintenance facilities, \$390,000.

Naval Air Station, North Island, California: Maintenance facilities, and utilities, \$17,630,000.

Naval Station, San Diego, California: Operational facilities, and troop housing, \$3,313,000.

Fleet Anti-Submarine Warfare School, San Diego, California: Utilities, \$90,000.

Naval Training Center, San Diego, California: Troop housing, \$2,569,000.

Naval Hospital, San Diego, California: Ground improvements, \$123,000.

TWELFTH NAVAL DISTRICT

Naval Weapons Station, Concord, California: Troop housing, \$395,000.

Naval Schools Command, Mare Island, California: Training facilities, \$183,000.

Naval Air Station, Moffett Field, California: Operational and training facilities, troop housing, and utilities, \$1,871,000.

Naval Postgraduate School, Monterey, California: Training facilities, \$1,847,000.

Naval Supply Center, Oakland, California: Utilities, \$123,000.

Naval Shipyard, San Francisco Bay, California: Maintenance facilities, and utilities at Hunters Point Division; and maintenance facilities, research, development, and test facilities, and utilities at Mare Island Division, \$7,995,000.

Naval Auxiliary Air Station, Fallon, Nevada: Operational and training facilities, \$120,000.

THIRTEENTH NAVAL DISTRICT

Naval Ammunition Depot, Bangor, Washington: Utilities, \$63,000.

Naval Shipyard, Bremerton, Washington: Maintenance facilities, and utilities, \$1,640,000.

Naval Torpedo Station, Keyport, Washington: Maintenance facilities, and utilities, \$918,000.

Naval Air Station, Whidbey Island, Washington: Operational facilities, \$2,430,000.

FOURTEENTH NAVAL DISTRICT

Naval Shipyard, Pearl Harbor, Oahu, Hawaii: Maintenance facilities, and utilities, \$2,330,000.

Naval Air Station, Barbers Point, Oahu, Hawaii: Ground improvements, \$30,000.

Naval Communication Station, Wahiawa, Oahu, Hawaii: Medical facilities; and, at Naval Radio Station, Luahalei, troop housing, \$817,000.

Pacific Missile Range Facility, Barking Sands, Kauai, Hawaii: Operational facilities, \$854,000.

SEVENTEENTH NAVAL DISTRICT

Naval Arctic Research Laboratory, Barrow, Alaska: Operational facilities, and maintenance facilities, \$1,985,000.

VARIOUS LOCATIONS

Various Naval and Marine Corps Air Activities: Operational facilities, \$1,337,000.

MARINE CORPS FACILITIES

Marine Corps Supply Activity, Philadelphia, Pennsylvania: Administrative facilities, \$200,000.

Marine Corps Development and Education Command, Quantico, Virginia: Training facilities, \$466,000.

Marine Corps Base, Camp Lejeune, North Carolina: Operational and training facilities, \$213,000.

Marine Corps Air Station, Cherry Point, North Carolina: Maintenance facilities and utilities, \$3,413,000.

Marine Corps Air Facility, New River, North Carolina: Operational facilities, supply facilities, administrative facilities, troop housing, and utilities, \$1,966,000.

Headquarters Fleet Marine Force, Atlantic, Norfolk, Virginia: Administrative facilities, \$70,000.

Marine Corps Supply Center, Albany, Georgia: Maintenance facilities, \$188,000.

Marine Corps Recruit Depot, Parris Island, South Carolina: Utilities, \$65,000.

Marine Corps Air Station, Yuma, Arizona: Operational and training facilities, maintenance facilities, administrative facilities, and troop housing, \$3,565,000.

Marine Corps Supply Center, Barstow, California: Utilities, \$60,000.

Marine Corps Air Facility, Santa Ana, California: Maintenance facilities, \$2,220,000.

Marine Corps Base, Camp Pendleton, California: Operational and training facilities, medical facilities, administrative facilities, and utilities, \$1,838,000.

Marine Corps Recruit Depot, San Diego, California: Troop housing, \$2,788,000.

Marine Barracks, Bremerton, Washington: Troop housing, \$764,000.

OUTSIDE THE UNITED STATES

MARINE CORPS FACILITIES

Camp Smedley D. Butler, Okinawa: Utilities, \$38,000.

Marine Corps Air Station, Iwakuni, Japan: Maintenance facilities, \$501,000.

TENTH NAVAL DISTRICT

Naval Station, Roosevelt Roads, Puerto Rico: Supply facilities, and utilities, \$1,568,000.

ATLANTIC OCEAN AREA

Naval Station, Keflavik, Iceland: Operational facilities, \$138,000.

EUROPEAN AREA

Naval Activities, United Kingdom Detachment, Greenock, Scotland: Community facilities, \$440,000.

PACIFIC OCEAN AREA

Naval Communication Station, North West Cape, Australia: Administrative facilities, and supply facilities, \$1,544,000.

Naval Air Station, Agaña, Guam Mariana Islands: Utilities, \$55,000.

Fleet Activities: Sasebo, Japan: Operational facilities, \$137,000.

Fleet Activities, Yokosuka, Japan: Administrative facilities, \$63,000.

Naval Ordnance Facility, Yokosuka, Japan: Maintenance facilities, \$29,000.

Naval Air Facility, Naha, Okinawa: Maintenance facilities, \$251,000.

Naval Station, Sangley Point, Republic of the Philippines: Operational facilities, \$92,000.

Naval Magazine, Subic Bay, Republic of the Philippines: Community facilities, \$69,000.

Naval Public Works Center, Subic Bay, Republic of the Philippines: Utilities, \$138,000.

VARIOUS LOCATIONS

Various Naval Air Activities: Operational facilities, \$293,000.

Establishment
of classified in-
stallations.

SEC. 202. The Secretary of the Navy may establish or develop classified Navy installations and facilities by acquiring, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of \$1,509,000.

Construction for
unforeseen re-
quirements.

SEC. 203. The Secretary of the Navy may establish or develop Navy installations and facilities by proceeding with construction made necessary by changes in Navy missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next military construction authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of \$10,000,000: *Provided*, That the Secretary of the Navy, or his designee, shall notify the Committee on Armed Services of the Senate and House of Representatives, immediately upon reaching a decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1969, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

Notification of
congressional
committees.

Authorization
expiration.

79 Stat. 797.

SEC. 204. (a) Public Law 89-188, as amended, is amended in section 201 under the heading "INSIDE THE UNITED STATES" as follows:

(1) Under the subheading "BUREAU OF SHIPS FACILITIES (Naval Shipyards)" with respect to Naval Shipyard, Bremerton, Washington, strike out "\$1,692,000" and insert in place thereof "\$2,211,000".

(2) Under the subheading "NAVAL WEAPONS FACILITIES (Field Support Stations)" with respect to Naval Station, Adak, Alaska, strike out "\$5,000,000" and insert in place thereof "\$5,931,000".

(3) Under the subheading "NAVAL WEAPONS FACILITIES (Fleet Readiness Stations)" with respect to Naval Ammunition Depot, Charleston, South Carolina, strike out "\$1,355,000" and insert in place thereof "\$1,489,000".

(4) Under the subheading "MEDICAL FACILITIES" with respect to Naval Hospital Corps School, Great Lakes, Illinois, strike out "\$1,696,000" and insert in place thereof "\$2,431,000".

79 Stat. 801.

(b) Public Law 89-188, as amended, is amended in section 201 under the heading "OUTSIDE THE UNITED STATES" and subheading "MARINE CORPS FACILITIES" with respect to Camp Smedley D. Butler, Okinawa, by striking out "\$841,000" and inserting in place thereof "\$1,125,000".

(c) Public Law 89-188, as amended, is amended by striking out in clause (2) of section 602 "\$236,590,000", "\$34,607,000", and "\$322,296,000" and inserting respectively in place thereof "\$238,909,000", "\$34,891,000", and "\$324,899,000".

81 Stat. 292.

SEC. 205. (a) Public Law 89-568 is amended in section 201 under the heading "INSIDE THE UNITED STATES" as follows:

80 Stat. 743.

(1) Under the subheading "NAVAL SHIP SYSTEM COMMAND (Naval Shipyards)" with respect to Naval Shipyard, Bremerton, Washington, and Naval Shipyard, San Francisco Bay, California, strike out "\$1,928,000" and "\$2,782,000", respectively, and insert respectively in place thereof "\$3,128,000" and "\$3,412,000".

(2) Under the subheading "NAVAL AIR SYSTEMS COMMAND (Field Support Stations)" with respect to Naval Air Station, Cecil Field, Florida, and Naval Air Station, Lemoore, California, strike out "\$619,000" and "\$251,000", respectively, and insert respectively in place thereof "\$876,000" and "\$502,000".

(3) Under the subheading "NAVAL AIR SYSTEMS COMMAND (Research, Development, Test, and Evaluation Stations)" with respect to Naval Air Test Center, Patuxent River, Maryland, strike out "\$283,000" and insert in place thereof "\$432,000".

(4) Under the subheading "MEDICAL FACILITIES" with respect to Naval Hospital, Chelsea, Massachusetts, strike out "\$9,300,000" and insert in place thereof "\$10,300,000"; and with respect to Naval Submarine Medical Center, New London, Connecticut, strike out "\$1,957,000" and insert in place thereof "\$3,101,000".

(b) Public Law 89-568 is amended in section 201 under the heading "OUTSIDE THE UNITED STATES" and subheading "NAVAL SHIP SYSTEMS COMMAND" with respect to Atlantic Undersea Test and Evaluation Center, West Indies, by striking out "\$1,371,000" and inserting in place thereof "\$1,798,000".

(c) Public Law 89-568 is amended by striking out in clause (2) of section 602 "\$114,138,000", "\$9,948,000" and "\$137,874,000" and inserting respectively in place thereof "\$118,769,000", "\$10,375,000", and "\$142,932,000".

SEC. 206. (a) Public Law 90-110 is amended in section 201 under the heading "INSIDE THE UNITED STATES" as follows:

81 Stat. 285.

(1) Under the subheading "FIFTH NAVAL DISTRICT" with respect to Naval Amphibious Base, Little Creek, Virginia, strike out "\$6,072,000" and insert in place thereof "\$6,220,000".

(2) Under the subheading "SIXTH NAVAL DISTRICT" with respect to Naval Hospital, Key West, Florida, strike out "\$243,000" and insert in place thereof "\$370,000".

(b) Public Law 90-110 is amended in clause (2) of section 802 by striking out "\$414,833,000" and "\$461,132,000" and inserting respectively in place thereof "\$415,108,000" and "\$461,407,000".

81 Stat. 307.

TITLE III

SEC. 301. The Secretary of the Air Force may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including site preparation, appurtenances, utilities, and equipment, for the following projects:

Air Force.

INSIDE THE UNITED STATES

AEROSPACE DEFENSE COMMAND

Duluth Municipal Airport, Duluth, Minnesota: Operational facilities, \$494,000.

Logan Field, Billings, Montana: Utilities, \$46,000.

McChord Air Force Base, Tacoma, Washington: Utilities, \$695,000.

NORAD Headquarters, Colorado Springs, Colorado: Utilities, \$900,000.

Perrin Air Force Base, Sherman, Texas: Troop housing, \$1,136,000.

Peterson Field, Colorado Springs, Colorado: Operational and training facilities, \$369,000.

Phelps-Collins Airport, Alpena, Michigan: Operational facilities, \$51,000.

Richards-Gebaur Air Force Base, Kansas City, Missouri: Utilities, \$146,000.

Steward Air Force Base, Newburgh, New York: Operational facilities, \$50,000.

Tyndall Air Force Base, Panama City, Florida: Operational facilities and troop housing, \$954,000.

AIR FORCE LOGISTICS COMMAND

Griffiss Air Force Base, Rome, New York: Research, development, and test facilities, and utilities, \$976,000.

Hill Air Force Base, Ogden, Utah: Operational and training facilities, administrative facilities, and utilities, \$1,058,000.

Kelly Air Force Base, San Antonio, Texas: Maintenance facilities, administrative facilities, and utilities, \$999,000.

Lynn Haven POL Annex, Panama City, Florida: Operational facilities, \$71,000.

McClellan Air Force Base, Sacramento, California: Operational facilities, maintenance facilities, and utilities, \$1,397,000.

Newark Air Force Station, Newark, Ohio: Operational facilities, \$265,000.

Robins Air Force Base, Macon, Georgia: Operational and training facilities, maintenance facilities, and administrative facilities, \$924,000.

Tampa Air Force POL, Tampa, Florida: Operational facilities, \$53,000.

Tinker Air Force Base, Oklahoma City, Oklahoma: Operational facilities and maintenance facilities, and administrative facilities, \$3,445,000.

Wright-Patterson Air Force Base, Dayton, Ohio: Research, development and test facilities, \$2,454,000.

AIR FORCE SYSTEMS COMMAND

Arnold Engineering Development Center, Tullahoma, Tennessee: Research, development, and test facilities, \$4,089,000.

Brooks Air Force Base, San Antonio, Texas: Research, development and test facilities, \$350,000.

Edwards Air Force Base, Muroc, California: Maintenance facilities and utilities, \$656,000.

Eglin Air Force Base, Valparaiso, Florida: Operational and training facilities, research, development, and test facilities, and supply facilities, \$3,681,000.

Holloman Air Force Base, Alamogordo, New Mexico: Operational facilities, research, development, and test facilities, troop housing and utilities, \$2,808,000.

Kirtland Air Force Base, Albuquerque, New Mexico: Utilities, \$360,000.

Laurence G. Hanscom Field, Bedford, Massachusetts: Research, development, and test facilities and real estate, \$2,184,000.

Patrick Air Force Base, Cocoa, Florida: Maintenance facilities, \$476,000.

Eastern Test Range, Cocoa, Florida: Research, development, and test facilities and utilities, \$560,000.

Western Test Range, Lompoc, California: Research, development, and test facilities, \$1,766,000.

Satellite Tracking Facilities: Research, development, and test facilities, \$1,773,000.

AIR TRAINING COMMAND

Chanute Air Force Base, Rantoul, Illinois: Medical facilities, administrative facilities, troop housing, and utilities, \$1,478,000.

Craig Air Force Base, Selma, Alabama: Training facilities, \$415,000.

Keesler Air Force Base, Biloxi, Mississippi: Troop housing, \$919,000.

Lackland Air Force Base, San Antonio, Texas: Operational facilities, troop housing and community facilities, and utilities, \$1,615,000.

Laredo Air Force Base, Laredo, Texas: Operational facilities, maintenance facilities, troop housing, and utilities, \$1,157,000.

Laughlin Air Force Base, Del Rio, Texas: Utilities, \$107,000.

Lowry Air Force Base, Denver, Colorado: Utilities, \$281,000.

Mather Air Force Base, Sacramento, California: Training facilities, \$900,000.

Moody Air Force Base, Valdosta, Georgia: Training facilities, \$513,000.

Randolph Air Force Base, San Antonio, Texas: Operational facilities and real estate, \$1,074,000.

Reese Air Force Base, Lubbock, Texas: Training facilities, \$101,000.

Sheppard Air Force Base, Wichita Falls, Texas: Hospital facilities and troop housing, \$3,708,000.

Vance Air Force Base, Enid, Oklahoma: Operational facilities, \$165,000.

Webb Air Force Base, Big Spring, Texas: Operational and training facilities, \$2,796,000.

Williams Air Force Base, Chandler, Arizona: Operational facilities and utilities, \$545,000.

AIR UNIVERSITY

Gunter Air Force Base, Montgomery, Alabama: Utilities, \$87,000.

Maxwell Air Force Base, Montgomery, Alabama: Operational facilities and maintenance facilities, \$652,000.

AERONAUTICAL CHART AND INFORMATION CENTER

Aeronautical Chart and Information Center, Saint Louis, Missouri: Administrative facilities, \$456,000.

ALASKAN AIR COMMAND

Elmendorf Air Force Base, Anchorage, Alaska: Operational and training facilities and maintenance facilities, \$2,940,000.

Various locations: Maintenance facilities, troop housing, and utilities, \$2,068,000.

HEADQUARTERS COMMAND

Andrews Air Force Base, Camp Springs, Maryland: Operational facilities and utilities, \$110,000.

MILITARY AIRLIFT COMMAND

Altus Air Force Base, Altus, Oklahoma: Operational facilities and maintenance facilities, \$1,672,000.

Dover Air Force Base, Dover, Delaware: Operational and training facilities, and maintenance facilities, \$7,671,000.

McGuire Air Force Base, Wrightstown, New Jersey: Operational facilities and utilities, \$1,172,000.

Norton Air Force Base, San Bernardino, California: Operational facilities, maintenance facilities, and real estate, \$1,403,000.

Travis Air Force Base, Fairfield, California: Maintenance facilities, and utilities, \$1,067,000.

PACIFIC AIR FORCES

Hickam Air Force Base, Honolulu, Hawaii: Operational facilities, administrative facilities, and utilities, \$278,000.

STRATEGIC AIR COMMAND

Barksdale Air Force Base, Shreveport, Louisiana: Training facilities, \$291,000.

Beale Air Force Base, Marysville, California: Operational facilities and utilities, \$498,000.

Columbus Air Force Base, Columbus, Mississippi: Operational and training facilities, maintenance facilities, and troop housing, \$5,791,000.

Davis-Monthan Air Force Base, Tucson, Arizona: Operational facilities, maintenance facilities, supply facilities, troop housing, and utilities, \$5,456,000.

Ellsworth Air Force Base, Rapid City, South Dakota: Operational facilities and maintenance facilities, \$1,151,000.

Francis E. Warren Air Force Base, Cheyenne, Wyoming: Administrative facilities, \$53,000.

Fairchild Air Force Base, Spokane, Washington: Operational facilities, maintenance facilities, and administrative facilities, \$210,000.

Grand Forks Air Force Base, Grand Forks, North Dakota: Maintenance facilities, \$400,000.

Grissom Air Force Base, Peru, Indiana: Utilities, \$70,000.

K. I. Sawyer Municipal Airport, Marquette, Michigan: Maintenance facilities, \$560,000.

Loring Air Force Base, Limestone, Maine: Operational facilities, \$59,000.

Malmstrom Air Force Base, Great Falls, Montana: Troop housing, \$969,000.

Matagorda Air Force Range, Matagorda Island, Texas: Real estate, \$607,000.

Minot Air Force Base, Minot, North Dakota: Administrative facilities and utilities, \$639,000.

Offutt Air Force Base, Omaha, Nebraska: Operational facilities, administrative facilities and utilities, \$2,369,000.

Pease Air Force Base, Portsmouth, New Hampshire: Utilities, \$194,000.

Vandenberg Air Force Base, Lompoc, California: Utilities, \$631,000.
Westover Air Force Base, Chicopee Falls, Massachusetts: Operational facilities, \$150,000.

Wurtsmith Air Force Base, Oscoda, Michigan: Operational and training facilities, maintenance facilities, supply facilities, troop housing, and utilities, \$2,731,000.

TACTICAL AIR COMMAND

Bergstrom Air Force Base, Austin, Texas: Operational facilities and administrative facilities, \$354,000.

Blytheville Air Force Base, Blytheville, Arkansas: Operational facilities, \$1,641,000.

Cannon Air Force Base, Clovis, New Mexico: Training facilities, maintenance facilities, and utilities, \$479,000.

England Air Force Base, Alexandria, Louisiana: Operational facilities and hospital facilities, \$3,949,000.

Forbes Air Force Base, Topeka, Kansas: Operational facilities, \$702,000.

George Air Force Base, Victorville, California: Operational facilities, administrative facilities, and utilities, \$1,152,000.

Homestead Air Force Base, Homestead, Florida: Operational facilities, \$75,000.

Langley Air Force Base, Hampton, Virginia: Training facilities, maintenance facilities, and utilities, \$537,000.

Lockbourne Air Force Base, Columbus, Ohio: Operational facilities, maintenance facilities, and utilities, \$1,090,000.

Luke Air Force Base, Phoenix, Arizona: Operational and training facilities, maintenance facilities, administrative facilities, troop housing, and utilities, \$2,006,000.

MacDill Air Force Base, Tampa, Florida: Operational facilities, \$542,000.

McConnell Air Force Base, Wichita, Kansas: Operational facilities, maintenance facilities, and utilities, \$1,116,000.

Mountain Home Air Force Base, Mountain Home, Idaho: Operational facilities, maintenance facilities, and troop housing, \$2,710,000.

Myrtle Beach Air Force Base, Myrtle Beach, South Carolina: Operational facilities and maintenance facilities, \$254,000.

Nellis Air Force Base, Las Vegas, Nevada: Operational and training facilities, maintenance facilities, supply facilities, hospital facilities, administrative facilities, and troop housing, \$9,668,000.

Pope Air Force Base, Fayetteville, North Carolina: Operational facilities, \$257,000.

Seymour-Johnson Air Force Base, Goldsboro, North Carolina: Operational facilities, \$99,000.

Shaw Air Force Base, Sumter, South Carolina: Operational facilities, maintenance facilities, and utilities, \$614,000.

UNITED STATES AIR FORCE ACADEMY

United States Air Force Academy, Colorado Springs, Colorado: Training facilities, and administrative facilities, \$530,000.

AIRCRAFT CONTROL AND WARNING

Various locations: Operational facilities, maintenance facilities, and utilities, \$777,000.

OUTSIDE THE UNITED STATES

AEROSPACE DEFENSE COMMAND

Various locations: Maintenance facilities, \$278,000.

AIR FORCE SYSTEMS COMMAND

Eastern Test Range: Research, development, and test facilities, and utilities, \$647,000.

Western Test Range: Utilities, \$118,000.

Satellite Tracking Facilities: Research, development, and test facilities, \$558,000.

PACIFIC AIR FORCES

Okinawa: Operational and training facilities, maintenance facilities, supply facilities, community facilities, and utilities, \$2,170,000.

Various locations: Operational and training facilities, maintenance facilities, supply facilities, administrative facilities, and utilities, \$4,180,000.

STRATEGIC AIR COMMAND

Goose Air Base, Canada: Utilities, \$84,000.

UNITED STATES AIR FORCE IN EUROPE

Germany: Operational facilities, maintenance facilities, and utilities, \$522,000.

United Kingdom: Operational facilities, maintenance facilities, supply facilities, administrative facilities, troop housing, and utilities, \$6,326,000.

Various locations: Operational facilities and maintenance facilities, \$1,121,000.

UNITED STATES AIR FORCES SOUTHERN COMMAND

Albrook Air Force Base, Canal Zone: Operational facilities and administrative facilities, \$326,000.

Howard Air Force Base, Canal Zone: Operational facilities, \$140,000.

UNITED STATES AIR FORCE SECURITY SERVICE

Various locations: Operational facilities and utilities, \$1,184,000.

Establishment
of classified in-
stallations.

SEC. 302. The Secretary of the Air Force may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of \$54,001,000.

Construction for
unforeseen re-
quirements.

SEC. 303. The Secretary of the Air Force may establish or develop Air Force installations and facilities by proceeding with construction made necessary by changes in Air Force missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install

permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of \$10,000,000: *Provided*, That the Secretary of the Air Force, or his designee, shall notify the Committees on Armed Services of the Senate and the House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1969, except for those public work projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

Notification of congressional committees.

Authorization expiration.

SEC. 304. Section 9 of the Air Force Academy Act, as amended (68 Stat. 49), is further amended by striking out in the first sentence the figure "\$141,797,000" and inserting in place thereof the figure "\$141,978,000".

75 Stat. 108.
10 USC 9331
note.

SEC. 305. (a) Public Law 89-188, as amended, is amended in section 301 under the heading "INSIDE THE UNITED STATES" and subheading "STRATEGIC AIR COMMAND", with respect to Barksdale Air Force Base, Shreveport, Louisiana, strike out "\$3,015,000" and insert in place thereof "\$3,744,000".

79 Stat. 806.

(b) Public Law 89-188, as amended, is amended by striking out in clause (3) of section 602 the amounts "\$215,631,000" and "\$339,377,000" and inserting in place thereof "\$216,360,000" and "\$340,106,000", respectively.

81 Stat. 300.

SEC. 306. (a) Public Law 89-568, as amended, is amended under the heading "INSIDE THE UNITED STATES" in section 301, as follows:

80 Stat. 748.

(1) Under the subheading "AIR FORCE LOGISTICS COMMAND", with respect to Robins Air Force Base, Macon, Georgia, strike out "\$154,000" and insert in place thereof "\$210,000".

(2) Under the subheading "STRATEGIC AIR COMMAND", with respect to Westover Air Force Base, Chicopee Falls, Massachusetts, strike out "\$350,000" and insert in place thereof "\$368,000".

(b) Public Law 89-568, as amended, is amended by striking out in clause (3) of section 602 the amounts "\$109,786,000" and "\$200,702,000" and inserting in place thereof "\$109,860,000" and "\$200,773,000", respectively.

81 Stat. 300.

TITLE IV

SEC. 401. The Secretary of Defense may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including site preparation, appurtenances, utilities and equipment, for defense agencies for the following projects:

Defense agencies.

INSIDE THE UNITED STATES

DEFENSE ATOMIC SUPPORT AGENCY

Sandia Base, New Mexico: Utilities, \$35,000.

Manzano Base, New Mexico: Utilities, \$28,000.

Naval Ordnance Laboratory, White Oak, Maryland: Research, development, and test facilities, \$1,697,000.

DEFENSE COMMUNICATIONS AGENCY

Headquarters, Defense Communications Agency, Building 12, Navy Department Service Center, Arlington, Virginia: Operational and administrative facilities, \$575,000.

DEFENSE INTELLIGENCE AGENCY

Headquarters, Defense Intelligence Agency, Arlington Hall Station, Virginia: Utilities, \$290,000.

DEFENSE SUPPLY AGENCY

Defense Depot, Memphis, Tennessee: Supply facilities, \$120,000.
 Defense General Supply Center, Richmond, Virginia: Supply facilities, \$415,000.
 Defense Depot, Tracy, California: Supply facilities and administrative facilities, \$2,937,000.
 Defense Depot, Ogden, Utah: Utilities, \$195,000.
 Defense Electronics Supply Center, Dayton, Ohio: Supply facilities, \$134,000.
 Defense Logistics Services Center, Battle Creek, Michigan: Administrative facilities, \$2,500,000.

NATIONAL SECURITY AGENCY

Fort Meade, Maryland: Training facilities and troop housing, \$2,121,000.

OUTSIDE THE UNITED STATES

DEFENSE ATOMIC SUPPORT AGENCY

Johnston Island: Operational facilities, \$649,000.

Establishment
of security in-
stallations.

Notification of
congressional
committees.

SEC. 402. The Secretary of Defense may establish or develop installations and facilities which he determines to be vital to the security of the United States, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of \$70,000,000: *Provided*, That the Secretary of Defense, or his designee, shall notify the Committees on Armed Services of the Senate and the House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including real estate actions pertaining thereto.

TITLE V

Southeast Asia.
Establishment
of military in-
stallations.

SEC. 501. The Secretary of each military department may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, which are necessary outside the United States in connection with military activities in Southeast Asia, or in support of such activities, in the total amount as follows:

Department of the Army, \$139,247,000.

Department of the Navy, \$51,357,000.

Department of the Air Force, \$16,500,000.

South Vietnam,
construction proj-
ects.

Report to con-
gressional com-
mittees.

SEC. 502. The Secretary of Defense, in connection with construction projects undertaken in South Vietnam pursuant to section 501 above, shall furnish to the Committees on Armed Services of the Senate and House of Representatives such reports as were heretofore furnished pursuant to section 401(c) of Public Law 89-367 (80 Stat. 36, 37).

TITLE VI

MILITARY FAMILY HOUSING

SEC. 601. The Secretary of Defense, or his designee, is authorized to construct, at the locations hereinafter named, family housing units and trailer court facilities in the numbers hereinafter listed, but no family housing construction shall be commenced at any such locations in the United States, until the Secretary shall have consulted with the Secretary, Department of Housing and Urban Development, as to the availability of adequate private housing at such locations. If agreement cannot be reached with respect to the availability of adequate private housing at any location, the Secretary of Defense shall immediately notify the Committees on Armed Services of the House of Representatives and the Senate, in writing, of such difference of opinion, and no contract for construction at such location shall be entered into for a period of thirty days after such notification has been given. This authority shall include the authority to acquire land, and interests in land, by gift, purchase, exchange of Government-owned land, or otherwise.

Construction authorization.

Notification of congressional committees.

Family housing units—

(a) The Department of the Army, five hundred units, \$9,750,000:

Army.

Fort Gordon, Georgia, two hundred units.

Fort Leavenworth, Kansas, one hundred units.

Fort Hood, Texas, two hundred units.

(b) The Department of the Navy, seven hundred and fifty units, \$15,725,000:

Navy.

Marine Corps Air Station, Yuma, Arizona, one hundred units.

Naval Complex, Oahu, Hawaii, one hundred and fifty units.

Pacific Missile Range Facility, Kauai, Hawaii, fifty-six units.

Naval Air Test Center, Patuxent River, Maryland, one hundred units.

Naval Auxiliary Air Station, Fallon, Nevada, forty-four units.

Naval Complex, Newport, Rhode Island, one hundred units.

Naval Auxiliary Air Station, Chase Field, Texas, one hundred units.

Naval Air Station, Whidbey Island, Washington, one hundred units.

(c) The Department of the Air Force, seven hundred and fifty units, \$17,375,000:

Air Force.

George Air Force Base, California, two hundred units.

Mountain Home Air Force Base, Idaho, two hundred and fifty units.

Holloman Air Force Base, New Mexico, three hundred units.

SEC. 602. Authorization for the construction of family housing provided in this Act shall be subject, under such regulations as the Secretary of Defense may prescribe, to the following limitations on cost, which shall include shades, screen, ranges, refrigerators, and all other installed equipment and fixtures:

Cost limitations.

(a) The average unit cost for each military department for all units of family housing constructed in the United States (other than Hawaii and Alaska) and Puerto Rico shall not exceed \$19,500, including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(b) No family housing unit in the areas listed in subsection (a) shall be constructed at a total cost exceeding \$35,000, including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(c) When family housing units are constructed in areas other than those listed in subsection (a) the average cost of all such units shall not exceed \$32,000, and in no event shall the cost of any unit exceed \$40,000. The cost limitations of this subsection shall include the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(d) Units constructed at George Air Force Base, California, shall not be subject to the limitations of subsections (a) and (b) of this section, but the average cost of such units shall not exceed \$30,000, including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

SEC. 603. Nothing contained in this Act and nothing contained in section 603 of Public Law 90-110 (81 Stat. 279, 304) shall be deemed to affect the cost limitations provided in section 502(f) of Public Law 89-188 (79 Stat. 793, 813) with respect to construction of family housing units at the United States Military Academy, West Point.

SEC. 604. Except as provided in section 603 of this Act, and notwithstanding the limitations contained in prior Military Construction Authorization Acts on cost of construction of family housing, the limitations on such cost contained in section 602 of this Act shall apply to all prior authorizations for construction of family housing not heretofore repealed and for which construction contracts have not been executed by the date of enactment of this Act.

SEC. 605. The Secretary of Defense, or his designee, is authorized to construct, or otherwise acquire, in foreign countries, fourteen family housing units. This authority shall include the authority to acquire land and interests in land, and shall be limited to such projects as may be funded by use of excess foreign currencies when so provided in Department of Defense Appropriation Acts. The authorization contained in this section shall not be subject to the cost limitations set forth in section 602 of this Act: *Provided*, That no family housing unit constructed or acquired pursuant to this authorization shall cost in excess of \$50,000, including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

SEC. 606. The first sentence of section 515 of Public Law 84-161 (69 Stat. 324, 352) as amended, is amended by striking out "1968 and 1969" and inserting in lieu thereof "1969 and 1970", and by adding the following sentence at the end thereof: "As to any such housing facilities to be leased at or near Fort Leavenworth, Kansas, the numbered conditions set forth hereinabove shall not apply."

SEC. 607. Section 507 of Public Law 88-174 (77 Stat. 307, 326) as amended, is amended by striking out "1968 and 1969" and inserting in lieu thereof "1969 and 1970".

SEC. 608. Subsection 610(a) of Public Law 90-110 (81 Stat. 279, 305) is amended to read as follows:

"SEC. 610. (a) None of the funds authorized by this or any other Act may be expended for projects for the improvement of any single family housing unit, or for the improvement of two or more housing units when such units are to be converted into or used as a single family housing unit, the costs of which exceed \$10,000 per unit including costs of repairs undertaken in connection therewith, and including any costs in connection with (1) the furnishing of electricity, gas, water, and sewage disposal; (2) roads and walks; and (3) grading and drainage,

George Air
Force Base,
Calif.

U.S. Military
Academy, West
Point.

Retroactive
provision.

Foreign coun-
tries.

Housing costs,
limitation.

Leasing of
facilities.
81 Stat. 305.
10 USC 2674
note.

Fort Leaven-
worth, Kans.

Foreign coun-
tries.

Rental return
agreements.
81 Stat. 304.
42 USC 1594k.

"Improvement."
Cost limita-
tions.

unless such improvement in connection with such unit or units is specifically authorized by law. As used in this section, the term 'improvement' includes alteration, expansion, extension, or rehabilitation of any housing unit or units, including that maintenance and repair which is to be accomplished concurrently with an improvement project. The provisions of this section shall not apply to projects authorized for restoration or replacement of housing units damaged or destroyed."

SEC. 609. The Secretary of Defense or his designee is authorized to relocate one hundred units of relocatable housing to Fort Polk, Louisiana, from other military installations where the requirement for such housing shall have been terminated: *Provided*, That the Secretary of Defense shall notify the committees on Armed Services of the House of Representatives and the Senate, not less than thirty days prior thereto, of the proposed relocations and estimated costs.

Fort Polk, La.
Relocation of
housing.

Notification of
congressional
committees.

SEC. 610. There is authorized to be appropriated for use by the Secretary of Defense, or his designee, for military family housing as authorized by law for the following purposes:

Appropriation.

(a) for construction and acquisition of family housing, including improvements to adequate quarters, improvements to inadequate quarters, minor construction, rental guarantee payments, construction and acquisition of trailer court facilities, and planning, an amount not to exceed \$48,740,000, and

(b) for support of military family housing, including operating expenses, leasing, maintenance of real property, payments of principal and interest on mortgage debts incurred, payments to the Commodity Credit Corporation, and mortgage insurance premiums authorized under section 222 of the National Housing Act, as amended (12 U.S.C. 1715m), an amount not to exceed \$537,960,000.

68 Stat. 603.

TITLE VII

HOMEOWNERS ASSISTANCE

SEC. 701. In accordance with subsection 1013(i) of Public Law 89-754 (80 Stat. 1255, 1292) there is authorized to be appropriated for use by the Secretary of Defense for the purposes of section 1013 of Public Law 89-754, including acquisition of properties, an amount not to exceed \$11,800,000.

Appropriation.
42 USC 3374.

TITLE VIII

GENERAL PROVISIONS

SEC. 801. The Secretary of each military department may proceed to establish or develop installations and facilities under this Act without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529) and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

Construction
authority.
Waiver of re-
strictions.

70A Stat. 269,
590.

Appropriation.

SEC. 802. There are authorized to be appropriated such sums as may be necessary for the purposes of this Act, but appropriations for public works projects authorized by titles I, II, III, IV, V, VI, and VII shall not exceed—

(1) for title I: Inside the United States, \$363,471,000; outside the United States, \$85,610,000; or a total of \$449,081,000.

(2) for title II: Inside the United States, \$229,726,000; outside the United States, \$5,356,000; section 202, \$1,509,000; or a total of \$236,591,000.

(3) for title III: Inside the United States, \$121,917,000; outside the United States, \$17,654,000; section 302, \$54,001,000; or a total of \$193,572,000.

(4) for title IV: A total of \$81,696,000.

(5) for title V: Southeast Asia support—Department of the Army, \$139,247,000; Department of the Navy, \$51,357,000; Department of the Air Force, \$16,500,000.

(6) for title VI: Military family housing, \$586,700,000.

(7) for title VII: Homeowners assistance, \$11,800,000.

Cost variations.

SEC. 803. Any of the amounts named in titles I, II, III, and IV of this Act, may, in the discretion of the Secretary concerned, be increased by 5 per centum for projects inside the United States (other than Alaska) and by 10 per centum for projects outside the United States or in Alaska, if he determines in the case of any particular project that such increase (1) is required for the sole purpose of meeting unusual variations in cost arising in connection with that project, and (2) could not have been reasonably anticipated at the time such project was submitted to the Congress. However, the total costs of all projects in each such title may not be more than the total amount authorized to be appropriated for projects in that title.

Contract supervision.

SEC. 804. Contracts for construction made by the United States for performance within the United States and its possessions under this Act shall be executed under the jurisdiction and supervision of the Corps of Engineers, Department of the Army, or the Naval Facilities Engineering Command, Department of the Navy, unless the Secretary of Defense or his designee determines that because such jurisdiction and supervision is wholly impracticable such contracts should be executed under the jurisdiction and supervision of another department or Government agency, and shall be awarded, insofar as practicable, on a competitive basis to the lowest responsible bidder, if the national security will not be impaired and the award is consistent with chapter 137 of title 10, United States Code. Regulations issued by the Secretary of Defense implementing the provisions of this section shall provide the department or agency requiring such construction with the right to select either the Corps of Engineers, Department of the Army, or the Naval Facilities Engineering Command, Department of the Navy, as its construction agent providing that under the facts and circumstances that exist at the time of the selection of the construction agent, such selection will not result in any increased cost to the United States. The Secretaries of the military departments shall report semiannually to the President of the Senate and the Speaker of the House of Representatives with respect to all contracts awarded on other than a competitive basis to the lowest responsible bidder.

70A Stat. 127.
10 USC 2301-
2314.

Reports to Congress.

Repeals.

SEC. 805. (a) As of October 1, 1969, all authorizations for military public works (other than family housing) to be accomplished by the Secretary of a military department in connection with the establishment or development of military installations and facilities, and all authorizations for appropriations therefor, that are contained in titles

I, II, III, IV, and V of the Act of October 21, 1967, Public Law 90-110 (81 Stat. 279), and all such authorizations contained in Acts approved before October 22, 1967, and not superseded or otherwise modified by a later authorization are repealed except—

(1) authorizations for public works and for appropriations therefor that are set forth in those Acts in the titles that contain the general provisions;

Exceptions.

(2) authorizations for public works projects as to which appropriated funds have been obligated for construction contracts or land acquisitions in whole or in part before October 1, 1969, and authorizations for appropriations therefor; and

(3) notwithstanding the repeal provisions of section 606(a) of the Act of September 12, 1966 (80 Stat. 739, 755) or of section 805(a) of the Act of October 21, 1967 (81 Stat. 279, 308), authorizations for the following items which shall remain in effect until October 1, 1970:

(a) utilities in the amount of \$843,000 at Fort Greely, Alaska, that is contained in title I, section 102 of the Act of September 16, 1965 (79 Stat. 796).

(b) maintenance facilities in the amount of \$7,393,000 for Naval Shipyard, Boston, Massachusetts, that is contained in title II, section 201, under the heading "BUREAU OF SHIPS FACILITIES (Naval Shipyards)" of the Act of September 16, 1965 (78 Stat. 797) and amended in section 205 of the Act of September 12, 1966 (80 Stat. 747).

79 Stat. 797.

(c) hospital and MEDICAL FACILITIES in the amount of \$4,736,000 for Naval Hospital, Newport, Rhode Island, that is contained in title II, section 201, under the heading "MEDICAL FACILITIES" of the Act of September 16, 1965 (79 Stat. 801).

(d) maintenance facilities in the amount of \$412,000 for Naval Air Station, Oceana, Virginia, that is contained in title II, section 201, under the heading "NAVAL AIR SYSTEMS COMMAND (Field Support Stations)" of the Act of September 12, 1966 (80 Stat. 744).

(e) administrative facilities in the amount of \$236,000 for Naval Oceanographic Distribution Office, Ogden, Utah, that is contained in title II, section 201, under the heading "NAVAL SUPPLY SYSTEMS COMMAND" of the Act of September 12, 1966 (80 Stat. 745).

(f) medical facilities in the amount of \$2,442,000 for Naval Training Center, location to be determined (Orlando, Florida), that is contained in title II, section 201, under the heading "SERVICE SCHOOL FACILITIES" of the Act of September 12, 1966 (80 Stat. 745).

(b) Effective fifteen months from the date of enactment of this Act, all authorizations for construction of family housing, including trailer court facilities, all authorizations to accomplish alterations, additions, expansions, or extensions to existing family housing, and all authorizations for related facilities projects, which are contained in this or any previous Act, are hereby repealed, except—

Repeals.

(1) authorizations for family housing projects as to which appropriated funds have been obligated for construction contracts or land acquisitions or manufactured structural component contracts in whole or in part before such date;

Exceptions.

(2) notwithstanding the repeal provision of section 606(b) of the Act of September 12, 1966 (80 Stat. 739, 755) or of section 805(b) of the Act of October 21, 1967 (81 Stat. 279, 308) the au-

thorization for two hundred family housing units at the United States Military Academy, West Point, New York, that is contained in the Act of September 16, 1965 (79 Stat. 793, 811); and

(3) authorizations to accomplish alterations, additions, expansions, or extensions to existing family housing, and authorizations for related facilities projects, as to which appropriated funds have been obligated for construction contracts before such date.

Unit cost limitations.

SEC. 806. None of the authority contained in titles I, II, III, IV, and V of this Act shall be deemed to authorize any building construction projects inside the United States (other than Alaska) at a unit cost in excess of—

- (1) \$36 per square foot for cold-storage warehousing;
- (2) \$9 per square foot for regular warehousing;
- (3) \$2,500 per man for permanent barracks;
- (4) \$9,200 per man for bachelor officer quarters;

Retroactive provision.

unless the Secretary of Defense or his designee determines that, because of special circumstances, application to such project of the limitations on unit costs contained in this section is impracticable: *Provided*, That notwithstanding the limitations contained in prior Military Construction Authorization Acts on unit costs, the limitations on such costs contained in this section shall apply to all prior authorizations for such construction not heretofore repealed and for which construction contracts have not been awarded by the date of enactment of this Act.

Waste disposal systems, constructions.

SEC. 807. None of the funds authorized by this Act or by any military construction authorization Act hereafter enacted shall be expended for the construction of any waste treatment or waste disposal system at or in connection with any military installation until after the Secretary of Defense or his designee has consulted with the Federal Water Pollution Control Administration of the Department of the Interior and determined that the degree and type of waste disposal and treatment required in the area in which such military installation is located are consistent with applicable Federal or State water quality standards or other requirements and that the planned system will be coordinated in timing with a State, county, or municipal program which requires communities to take such related abatement measures as are necessary to achieve areawide water pollution cleanup.

Citation of titles.

SEC. 808. Titles I, II, III, IV, V, VI, VII, and VIII of this Act may be cited as the "Military Construction Authorization Act, 1969".

TITLE IX

RESERVE FORCES FACILITIES

Reserve Forces Facilities Authorization Act, 1969.
70A Stat. 120.
10 USC 2231-2238.

SEC. 901. Subject to chapter 133 of title 10, United States Code, the Secretary of Defense may establish or develop additional facilities for the Reserve Forces, including the acquisition of land therefor, but the cost of such facilities shall not exceed—

- (1) For Department of the Navy: Naval and Marine Corps Reserves, \$4,600,000.
- (2) For Department of the Air Force:
 - (a) Air National Guard of the United States, \$7,700,000.
 - (b) Air Force Reserve, \$4,000,000.

Construction authority.
Waiver of restrictions.

70A Stat. 269, 590.

SEC. 902. The Secretary of Defense may establish or develop installations and facilities under this title without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and

supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

SEC. 903. This title may be cited as the "Reserve Forces Facilities Authorization Act, 1969".

Approved July 21, 1968.

Citation of title.

Public Law 90-409

AN ACT

July 21, 1968
[H. R. 4739]

To authorize the Secretary of the Interior to grant long-term leases with respect to lands in the El Portal administrative site adjacent to Yosemite National Park, California, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in furtherance of the purposes of the Act entitled "An Act to authorize the Secretary of the Interior to provide an administrative site for Yosemite National Park, California, on lands adjacent to the park, and for other purposes," approved September 2, 1958 (72 Stat. 1772), the Secretary of the Interior is authorized, notwithstanding any other provision of law, to lease lands within the El Portal administrative site for periods of fifty-five years to any operator of concession facilities in the park, or its successor, for purposes of providing employee housing. Such leases shall provide that the concessioner may sublease the property to its employees for terms not to exceed the remaining terms of such leases, and they shall be subject to such terms and conditions as the Secretary of the Interior may require to assure appropriate administration, protection, and development of the land for purposes incident to the provisions of facilities and services required in the operation and administration of the park: *Provided*, That the Secretary of the Interior shall grant such leases in consideration of an annual payment to the United States of the fair rental value of the leased lands, as determined by him at the beginning of each calendar year.

El Portal site,
Calif.
Long-term
lease.

16 USC 47-1.

Annual pay-
ment.

SEC. 2. The Secretary of the Interior may enter into agreements with other Federal agencies and with any concessioner or its successor in order to effectuate the purposes of this Act.

Approved July 21, 1968.

Public Law 90-410

AN ACT

July 21, 1968
[H. R. 16065]

To direct the Secretary of Agriculture to release on behalf of the United States conditions in deeds conveying certain lands to the State of Iowa, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of subsection (c) of section 32 of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1011(c)), the

Iowa State Uni-
versity.
Land convey-
ance.
50 Stat. 526.

Secretary of Agriculture is authorized and directed to release on behalf of the United States with respect to lands designated pursuant to section 2 hereof, the conditions in those two deeds dated July 29, 1955, conveying lands in the counties of Monroe and Decatur in the State of Iowa to the State of Iowa acting by and through its State board of regents for the use and benefit of the agricultural experiment station of the Iowa State College of Agriculture and Mechanic Arts, now Iowa State University, which require that the lands so conveyed be used for public purposes and provide for a reversion of such lands to the United States if at any time they cease to be so used.

Conditions.

SEC. 2. The Secretary shall release the conditions referred to in the first section of this Act only with respect to lands covered by and described in an agreement or agreements entered into between the Secretary and the university in which the university, in consideration of the release of such conditions as to such lands, agrees—

(1) that all the proceeds from the sale, lease, exchange, or disposition of such lands shall be used by the university for the acquisition of lands to be held for university purposes, or for the development or improvement of any lands so acquired;

(2) that all the proceeds from the sale, lease, or other disposition of lands covered by any such agreement shall be maintained by the university in a separate fund and that the record of all transactions involving such funds shall be open to inspection by the Secretary of Agriculture.

Mineral interests.

SEC. 3. Upon application, all the undivided mineral interests of the United States in any parcel or tract of land released pursuant to this Act from the conditions as to such lands shall be conveyed to the State of Iowa for the use and benefit of Iowa State University or its successors in title by the Secretary of the Interior. In areas where the Secretary of the Interior determines that there is no active mineral development or leasing, and that the lands have no mineral value, the mineral interests covered by a single application shall be sold for a consideration of \$1. In other areas the mineral interests shall be sold at the fair market value thereof as determined by the Secretary of the Interior after taking into consideration such appraisals as he deems necessary or appropriate.

Nonrefundable deposit.

SEC. 4. Each application made under the provisions of section 3 of this Act shall be accompanied by a nonrefundable deposit to be applied to the administrative costs as fixed by the Secretary of the Interior. If the conveyance is made, the applicant shall pay to the Secretary of the Interior the full administrative costs, less the deposit. If a conveyance is not made pursuant to an application filed under this Act, the deposit shall constitute full satisfaction of such administrative costs notwithstanding that the administrative costs exceed the deposit.

"Administrative costs."

SEC. 5. The term "administrative costs" as used in this Act includes, in addition to other items, all costs which the Secretary of the Interior determines are included in a determination of (1) the mineral character of the land in question, and (2) the fair market value of the mineral interest.

SEC. 6. Amounts paid to the Secretary of the Interior under the provisions of this Act shall be paid into the Treasury of the United States as miscellaneous receipts.

Approved July 21, 1968.

Public Law 90-411

AN ACT

To amend the Federal Aviation Act of 1958 to require aircraft noise abatement regulation, and for other purposes.

July 21, 1968
[H. R. 3400]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title VI of the Federal Aviation Act of 1958 (49 U.S.C. 1421-1430) is amended by adding at the end thereof the following new section:

Aircraft noise
control.
72 Stat. 775.

"CONTROL AND ABATEMENT OF AIRCRAFT NOISE AND SONIC BOOM

"SEC. 611. (a) In order to afford present and future relief and protection to the public from unnecessary aircraft noise and sonic boom, the Administrator of the Federal Aviation Administration, after consultation with the Secretary of Transportation, shall prescribe and amend standards for the measurement of aircraft noise and sonic boom and shall prescribe and amend such rules and regulations as he may find necessary to provide for the control and abatement of aircraft noise and sonic boom, including the application of such standards, rules, and regulations in the issuance, amendment, modification, suspension, or revocation of any certificate authorized by this title.

"(b) In prescribing and amending standards, rules, and regulations under this section, the Administrator shall—

Administrative
provisions.

"(1) consider relevant available data relating to aircraft noise and sonic boom, including the results of research, development, testing, and evaluation activities conducted pursuant to this Act and the Department of Transportation Act;

80 Stat. 931.
49 USC 1651
note.

"(2) consult with such Federal, State, and interstate agencies as he deems appropriate;

"(3) consider whether any proposed standard, rule, or regulation is consistent with the highest degree of safety in air commerce or air transportation in the public interest,

"(4) consider whether any proposed standard, rule, or regulation is economically reasonable, technologically practicable, and appropriate for the particular type of aircraft, aircraft engine, appliance, or certificate to which it will apply; and

"(5) consider the extent to which such standard, rule, or regulation will contribute to carrying out the purposes of this section.

"(c) In any action to amend, modify, suspend, or revoke a certificate in which violation of aircraft noise or sonic boom standards, rules, or regulations is at issue, the certificate holder shall have the same notice and appeal rights as are contained in section 609, and in any appeal to the National Transportation Safety Board, the Board may amend, modify, or reverse the order of the Administrator if it finds that control or abatement of aircraft noise or sonic boom and the public interest do not require the affirmation of such order, or that such order is not consistent with safety in air commerce or air transportation."

72 Stat. 779.
49 USC 1429.

SEC. 2. That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the center heading "TITLE VI—SAFETY REGULATION OF CIVIL AERONAUTICS" is amended by adding at the end thereof the following:

"Sec. 611. Control and abatement of aircraft noise and sonic boom."

Approved July 21, 1968.

Public Law 90-412

July 21, 1968
[H. R. 13402]

AN ACT

Authorizing the use of certain buildings in the District of Columbia for chancery purposes.

D.C.
Certain build-
ings for chancery
use.
78 Stat. 1092.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (1) of section 2 of the Act of October 13, 1964 (D.C. Code, sec. 5-418a(1)), is amended by inserting immediately after "such building" the following: "(A) for which negotiations had been entered into with a foreign government before the date of the enactment of this Act to sell such building for use as a chancery, which negotiations resulted in the making of a contract on or before June 1, 1965, with such government to sell such building for such use or (B)".

(b) Section 4 of such Act (D.C. Code, sec. 5-418c) is amended by inserting immediately after "(D.C. Code, sec. 5-418)" the following: "or paragraph (1) of section 2 of this Act".

Approved July 21, 1968.

Public Law 90-413

July 21, 1968
[H. R. 10773]

AN ACT

To amend section 1730 of title 18, United States Code, to permit the uniform or badge of the letter-carrier branch of the postal service to be worn in theatrical, television, or motion-picture productions under certain circumstances.

Postal Service.
Letter-carrier
uniforms.
62 Stat. 785.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1730 of title 18, United States Code, is hereby amended by adding thereto a new paragraph, immediately following the end of the present provision, which shall read as follows:

"The provisions of the preceding paragraph shall not apply to an actor or actress in a theatrical, television, or motion-picture production who wears the uniform or badge of the letter-carrier branch of the Postal Service while portraying a member of that service, if the portrayal does not tend to discredit that service."

Approved July 21, 1968.

Public Law 90-414

July 21, 1968
[S. J. Res. 157]

JOINT RESOLUTION

To supplement Public Law 87-734 and Public Law 87-735 which took title to certain lands in the Lower Brule and Crow Creek Indian Reservations.

Lower Brule
and Crow Creek
Indian Reserva-
tions, S. Dak.
Payment of
claims.
76 Stat. 698,
704.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall pay to the persons who owned unrestricted interests in the lands taken by the enactment of Public Law 87-734 and Public Law 87-735, or to their heirs, unless they previously have been compensated, from the funds appropriated pursuant to such public laws, the amounts apportioned by the Secretary to their respective interests. Payment shall be made only on the basis of a claim filed with the Secretary within one year from the date of this Act. The Secretary shall take such action as he deems feasible to notify the persons who he believes are entitled to file claims, but the failure to receive such notice shall not affect the provisions of this Act. Any sum not timely

claimed and paid shall be credited to the account of the tribe occupying the reservation where the land is located, and no further claim with respect thereto shall be recognized by the United States. Acceptance of a payment pursuant to this Act shall be deemed to be a release of any further claim by such person against the United States based on such taking, unless the person accepting payment notifies the Secretary in writing at the time of payment that he regards the payment as less than just compensation, and that he intends to commence a judicial proceeding under other provisions of law to recover additional compensation. No such judicial proceeding shall be entertained by any court unless it is commenced within three months after tender of payment by the Secretary.

Approved July 21, 1968.

Public Law 90-415

AN ACT

July 23, 1968

[H. R. 18203]

To increase the size of the Board of Directors of Gallaudet College, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Act entitled "An Act to amend the charter of the Columbia Institution for the Deaf, change its name, define its corporate powers, and provide for its organization and administration, and for other purposes", approved June 18, 1954, is amended by striking out "thirteen" and inserting in lieu thereof "twenty-one", and by striking out in clause (2) "ten" and inserting in lieu thereof "eighteen".

Gallaudet
College.
Board of Direc-
tors.

68 Stat. 265.
D.C. Code 31-
1029.

SEC. 2. Effective with the election of the eight additional members provided for under the amendment made by the first section, the fourth sentence of such section 5 is amended by striking out "Seven" and inserting in lieu thereof "Nine".

Approved July 23, 1968.

Public Law 90-416

JOINT RESOLUTION

July 23, 1968

[S. J. Res. 172]

Extending the duration of copyright protection in certain cases.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in any case in which the renewal term of copyright subsisting in any work on the date of approval of this resolution, or the term thereof as extended by Public Law 87-668, by Public Law 89-142, or by Public Law 90-141 (or by all or certain of said laws), would expire prior to December 31, 1969, such term is hereby continued until December 31, 1969.

Copyright pro-
tection.
Extension.

81 Stat. 464.
17 USC 24 note.

Approved July 23, 1968.

Public Law 90-417

July 23, 1968
[H. R. 18038]

AN ACT

Making appropriations for the Legislative Branch for the fiscal year ending June 30, 1969, and for other purposes.

Legislative
Branch Appropri-
ation Act, 1969.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending June 30, 1969, and for other purposes, namely:

SENATE

COMPENSATION OF THE VICE PRESIDENT AND SENATORS, MILEAGE OF THE PRESIDENT OF THE SENATE AND SENATORS, AND EXPENSE ALLOWANCES OF THE VICE PRESIDENT AND LEADERS OF THE SENATE

COMPENSATION OF THE VICE PRESIDENT AND SENATORS

For compensation of the Vice President and Senators of the United States, \$3,304,295.

MILEAGE OF PRESIDENT OF THE SENATE AND OF SENATORS

For mileage of the President of the Senate and of Senators, \$58,370.

EXPENSE ALLOWANCE OF THE VICE PRESIDENT, AND MAJORITY AND MINORITY LEADERS

For expense allowance of the Vice President, \$10,000; Majority Leader of the Senate, \$3,000; and Minority Leader of the Senate, \$3,000; in all, \$16,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, clerks to Senators, and others as authorized by law, including agency contributions and longevity compensation as authorized, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For clerical assistance to the Vice President, \$245,528.

CHAPLAIN

Chaplain of the Senate, \$16,732.

OFFICE OF THE SECRETARY

For office of the Secretary, \$1,509,828 including \$162,996 required for the purposes specified and authorized by section 74b of title 2, United States Code.

COMMITTEE EMPLOYEES

For professional and clerical assistance to standing committees and the Select Committee on Small Business, \$3,640,996.

CONFERENCE COMMITTEES

For clerical assistance to the Conference of the Majority, at rates of compensation to be fixed by the chairman of said committee, \$107,912.

For clerical assistance to the Conference of the Minority, at rates of compensation to be fixed by the chairman of said committee, \$107,912.

ADMINISTRATIVE AND CLERICAL ASSISTANTS TO SENATORS

For administrative and clerical assistants and messenger service for Senators, \$21,279,720.

OFFICE OF SERGEANT AT ARMS AND DOORKEEPER

For office of Sergeant at Arms and Doorkeeper, \$4,601,608: *Provided*, That, effective July 1, 1968, the Sergeant at Arms is authorized to employ the following additional employees: one programmer at \$14,100 per annum; one programmer-operator at \$8,460 per annum; one color film technician at \$9,776 per annum; one assistant chief cabinetmaker at \$9,024 per annum in lieu of one cabinetmaker at \$8,084 per annum; sixty-one additional privates, police force at \$7,144 per annum each; four assistant chief telephone operators at \$7,896 per annum each in lieu of five at such rate; twenty-seven telephone operators at \$6,204 per annum each in lieu of thirty-one at such rate; and the compensation of the shipping and stock clerk, recording studio shall be \$6,768 per annum in lieu of \$5,640 per annum: *Provided further*. That appointees to the Capitol Police Force positions authorized herein shall have the equivalent of at least one year's police experience.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND THE MINORITY

For the offices of the Secretary for the Majority and the Secretary for the Minority, \$180,480.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For four clerical assistants, two for the Majority Whip and two for the Minority Whip, at rates of compensation to be fixed by the respective Whips, \$19,928 each; in all, \$39,856.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, \$342,180.

CONTINGENT EXPENSES OF THE SENATE

SENATE POLICY COMMITTEES

For salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, \$240,150 for each such committee; in all, \$480,300.

AUTOMOBILES AND MAINTENANCE

For purchase, exchange, driving, maintenance, and operation of four automobiles, one for the Vice President, one for the President Pro Tempore, one for the Majority Leader, and one for the Minority Leader, \$48,700.

FURNITURE

For service and materials in cleaning and repairing furniture, and for the purchase of furniture, \$31,190: *Provided*, That the furniture purchased is not available from other agencies of the Government.

INQUIRIES AND INVESTIGATIONS

60 Stat. 831.
2 USC 190b.

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, including \$412,360 for the Committee on Appropriations, to be available also for the purposes mentioned in Senate Resolution Numbered 193, agreed to October 14, 1943, \$6,221,585.

FOLDING DOCUMENTS

For the employment of personnel for folding speeches and pamphlets at a gross rate of not exceeding \$2.42 per hour per person, \$43,790.

MAIL TRANSPORTATION

For maintaining, exchanging, and equipping motor vehicles for carrying the mails and for official use of the offices of the Secretary and Sergeant at Arms, \$16,560.

MISCELLANEOUS ITEMS

75 Stat. 199.
40 USC 174j-4.

For miscellaneous items, exclusive of labor, \$4,348,335, including \$398,000 for payment to the Architect of the Capitol in accordance with section 4 of Public Law 87-82, approved July 6, 1961.

POSTAGE STAMPS

For postage stamps for the offices of the Secretaries for the Majority and Minority, \$180; and for airmail and special delivery stamps for the office of the Secretary, \$200; office of the Sergeant at Arms, \$160; Senators and the President of the Senate, as authorized by law, \$108,480; and the maximum allowance per capita of \$800 is increased to \$960 for the fiscal year 1969 and thereafter: *Provided*, That Senators from States partially or wholly west of the Mississippi River shall be allowed an additional \$240 each fiscal year; in all, \$109,020.

STATIONERY (REVOLVING FUND)

For stationery for Senators and the President of the Senate, \$303,000; and for stationery for committees and officers of the Senate, \$13,200; in all, \$316,200, to remain available until expended.

COMMUNICATIONS

For an amount for communications which may be expended interchangeably, in accordance with such limitations and restrictions as may be prescribed by the Committee on Rules and Administration, for payment of charges on official telegrams and long-distance telephone calls made by or on behalf of Senators or the President of the Senate, in addition to those otherwise authorized, \$15,150.

ADMINISTRATIVE PROVISIONS

Emergency overtime compensation authorized by House Concurrent Resolution 785, Ninetieth Congress shall be paid from the appropriation "Salaries, Officers and Employees, Office of Sergeant at Arms and Doorkeeper", fiscal years 1968 and 1969.

HOUSE OF REPRESENTATIVES

Emergency overtime compensation authorized by House Concurrent Resolution 785, Ninetieth Congress, payable to employees under the House of Representatives, shall be paid from the appropriations "Salaries, Officers and Employees, Office of the Sergeant at Arms", fiscal years 1968 and 1969, as applicable.

HOUSE OF REPRESENTATIVES

SALARIES, MILEAGE FOR THE MEMBERS, AND EXPENSE ALLOWANCE
OF THE SPEAKER

COMPENSATION OF MEMBERS

For compensation of Members (wherever used herein the term "Member" shall include Members of the House of Representatives and the Resident Commissioner from Puerto Rico), \$14,160,700.

MILEAGE OF MEMBERS AND EXPENSE ALLOWANCE OF THE SPEAKER

For mileage of Members and expense allowance of the Speaker, as authorized by law, \$200,000, of which such amount as may be necessary, if any, may be transferred to the immediately preceding appropriation.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers and employees, as authorized by law, as follows:

OFFICE OF THE SPEAKER

For the Office of the Speaker, \$139,830.

OFFICE OF THE PARLIAMENTARIAN

For the Office of the Parliamentarian, \$121,485, including the Parliamentarian and \$2,000 for preparing the Digest of the Rules, as authorized by law.

COMPILATION OF PRECEDENTS OF HOUSE OF REPRESENTATIVES

For compiling the precedents of the House of Representatives, as heretofore authorized, \$12,540.

OFFICE OF THE CHAPLAIN

For the Office of the Chaplain, \$16,715.

OFFICE OF THE CLERK

For the Office of the Clerk, including not to exceed \$159,030 for the House Recording Studio, \$1,940,000.

OFFICE OF THE SERGEANT AT ARMS

For the Office of the Sergeant at Arms, \$2,160,000.

OFFICE OF THE DOORKEEPER

For the Office of the Doorkeeper, \$2,000,000.

OFFICE OF THE POSTMASTER

For the Office of the Postmaster, including \$14,730 for employment of substitute messengers and extra services of regular employees when required at the basic salary rate of not to exceed \$2,100 per annum each, \$571,235.

COMMITTEE EMPLOYEES

For committee employees, including the Committee on Appropriations, \$4,800,000.

SPECIAL AND MINORITY EMPLOYEES

For six minority employees, \$130,835.

For the House Democratic Steering Committee, \$49,950.

For the House Republican Conference, \$49,950.

For the office of the majority floor leader, including \$3,000 for official expenses of the majority leader, \$107,115.

For the office of the minority floor leader, including \$3,000 for official expenses of the minority leader, \$97,290.

For the office of the majority whip, including \$11,300 basic lump-sum clerical assistance, \$72,105.

For the office of the minority whip, including \$11,300 basic lump-sum clerical assistance, \$72,105.

For two printing clerks, one for the majority caucus room and one for the minority caucus room, to be appointed by the majority and minority leaders, respectively, \$17,765.

For a technical assistant in the office of the attending physician, to be appointed by the attending physician, subject to the approval of the Speaker, \$15,780.

OFFICIAL REPORTERS OF DEBATES

For official reporters of debates, \$289,570.

OFFICIAL REPORTERS TO COMMITTEES

For official reporters to committees, \$286,255.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses, studies and examinations of executive agencies, by the Committee on Appropriations, and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act, 1946, and to be available for reimbursement to agencies for services performed, \$890,000.

OFFICE OF THE LEGISLATIVE COUNSEL

For salaries and expenses of the Office of the Legislative Counsel of the House, \$378,290.

MEMBERS' CLERK HIRE

For clerk hire, necessarily employed by each Member in the discharge of his official and representative duties, \$38,142,500, of which such amount as may be necessary may be transferred to the appropriation under this heading for the fiscal year 1968.

CONTINGENT EXPENSES OF THE HOUSE

FURNITURE

For furniture and materials for repairs of the same, including tools and machinery for furniture repair shops, and for the purchase of packing boxes, \$250,000, to be derived by transfer from the balance of the appropriation made under this head for the fiscal year 1967.

The Clerk of the House is authorized and directed to transfer to the Library of Congress, without exchange of funds, such office furniture and equipment as the Clerk shall have determined to be excess to the needs of the House and the Librarian of Congress deems necessary and suitable to the needs of the Library.

Library of
Congress.

MISCELLANEOUS ITEMS

For miscellaneous items, exclusive of salaries unless specifically ordered by the House of Representatives, including the sum of \$175,000 for payment to the Architect of the Capitol in accordance with section 208 of the Act approved October 9, 1940 (Public Law 812); the exchange, operation, maintenance, and repair of the Clerk's motor vehicles; the exchange, operation, maintenance, and repair of the publications and distribution service motortruck; the exchange, maintenance, operation, and repair of the post office motor vehicles for carrying the mails; not to exceed \$5,000 for the purposes authorized by section 1 of House Resolution 348, approved June 29, 1961; the sum of \$600 for hire of automobile for the Sergeant at Arms; materials for folding; and for stationery for the use of committees, departments, and officers of the House; \$8,000,000.

54 Stat. 1056.
40 USC 174k.

No part of the contingent fund herein appropriated shall be available for the purposes of House Resolution 416 of the Eighty-ninth Congress relating to the hire of student congressional interns.

Student congressional
interns,
funds restriction.

REPORTING HEARINGS

For stenographic reports of hearings of committees other than special and select committees, \$223,000, of which such amount as may be necessary may be transferred to the appropriation under this heading for the fiscal year 1968.

SPECIAL AND SELECT COMMITTEES

For salaries and expenses of special and select committees authorized by the House, \$4,821,000.

TELEGRAPH AND TELEPHONE

For telegraph and telephone service, exclusive of personal services, \$3,500,000.

STATIONERY (REVOLVING FUND)

For a stationery allowance for each Member for the first session of the Ninety-first Congress, as authorized by law, \$1,308,000, to remain available until expended.

POSTAGE STAMP ALLOWANCES

Postage stamp allowances for the first session of the Ninety-first Congress, as follows: Postmaster, \$560; Clerk, \$1,120; Sergeant at Arms, \$840; Doorkeeper, \$700; airmail and special-delivery postage stamps for each Member, the Speaker, the majority and minority leaders, the majority and minority whips, and to each standing committee, as authorized by law; \$320,390.

REVISION OF LAWS

61 Stat. 637. For preparation and editing of the laws as authorized by 1 U.S.C. 202, 203, 213, \$29,260, to be expended under the direction of the Committee on the Judiciary.

SPEAKER'S AUTOMOBILE

For purchase, exchange, hire, driving, maintenance, repair, and operation of an automobile for the Speaker, \$13,585.

MAJORITY LEADER'S AUTOMOBILE

For purchase, exchange, hire, driving, maintenance, repair, and operation of an automobile for the majority leader of the House, \$13,585.

MINORITY LEADER'S AUTOMOBILE

For purchase, exchange, hire, driving, maintenance, repair, and operation of an automobile for the minority leader of the House, \$13,585.

NEW EDITION OF THE DISTRICT OF COLUMBIA CODE

For preparation of a new edition of the District of Columbia Code, \$75,000, to remain available until expended, and to be expended under the direction of the Committee on the Judiciary.

ADMINISTRATIVE PROVISION

78 Stat. 1079. Except as provided by the House Employees Position Classification Act (2 U.S.C. 291 and following) or by any other provision of law to the contrary, salaries or wages paid out of the items herein for the House of Representatives shall be computed at basic rates, plus increased and additional compensation, as authorized and provided by law.

JOINT ITEMS

For joint committees, as follows:

JOINT COMMITTEE ON REDUCTION OF FEDERAL EXPENDITURES

79 Stat. 1026. For an amount to enable the Joint Committee on Reduction of Federal Expenditures to carry out the duties imposed upon it by section 601 of the Revenue Act of 1941 (55 Stat. 726), to remain available during the existence of the Committee, \$55,000, to be disbursed by the Secretary of the Senate.

CONTINGENT EXPENSES OF THE SENATE

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, \$417,150.

JOINT COMMITTEE ON ATOMIC ENERGY

For salaries and expenses of the Joint Committee on Atomic Energy, \$380,785.

JOINT COMMITTEE ON PRINTING

For salaries and expenses of the Joint Committee on Printing, \$198,440.

JOINT COMMITTEE ON INAUGURAL CEREMONIES OF 1969

For construction of platform and seating stands and for salaries and expenses of conducting the inaugural ceremonies of the President and Vice President of the United States, January 20, 1969, in accordance with such program as may be adopted by the joint committee authorized by concurrent resolution of the Senate and House of Representatives, \$400,000.

CONTINGENT EXPENSES OF THE HOUSE

JOINT COMMITTEE ON INTERNAL REVENUE TAXATION

For salaries and expenses of the Joint Committee on Internal Revenue Taxation, \$531,905.

JOINT COMMITTEE ON DEFENSE PRODUCTION

For salaries and expenses of the Joint Committee on Defense Production as authorized by the Defense Production Act of 1950, as amended, \$91,370.

For other joint items, as follows:

64 Stat. 798.
50 USC app.
2061.

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the attending physician and his assistants, including (1) an allowance of two hundred fifty dollars per month to the attending physician; (2) an allowance of one hundred fifty dollars per month each to three medical officers while on duty in the attending physician's office; and (3) an allowance of one hundred fifty dollars per month each to not to exceed eight assistants on the basis heretofore provided for such assistants, \$56,000: *Provided*, That the unexpended balance of the appropriation under this head for the fiscal year 1968 shall be merged with this appropriation.

CAPITOL POLICE

GENERAL EXPENSES

For purchasing and supplying uniforms; the purchase, maintenance, and repair of police motor vehicles, including two-way police radio equipment; contingent expenses, including \$25 per month for extra services performed for the Capitol Police Board by such member of the staff of the Sergeant at Arms of the Senate or the House, as may be designated by the Chairman of the Board; \$100,000.

CAPITOL POLICE BOARD

To enable the Capitol Police Board to provide additional protection for the Capitol Buildings and Grounds, including the Senate and House Office Buildings and the Capitol Power Plant, \$900,000. Such

Detail person-
nel.

Reimbursement.

55 Stat. 456.

54 Stat. 629.

sum shall be expended only for payment of salaries and other expenses of personnel detailed from the Metropolitan Police of the District of Columbia, and the Commissioner of the District of Columbia is authorized and directed to make such details upon the request of the Board. Personnel so detailed shall, during the period of such detail, serve under the direction and instructions of the Board and are authorized to exercise the same authority as members of such Metropolitan Police and members of the Capitol Police and to perform such other duties as may be assigned by the Board. Reimbursement for salaries and other expenses of such detail personnel shall be made to the government of the District of Columbia, and any sums so reimbursed shall be credited to the appropriation or appropriations from which such salaries and expenses are payable and shall be available for all the purposes thereof: *Provided*, That any person detailed under the authority of this paragraph or under similar authority in the Legislative Branch Appropriation Act, 1942, and the Second Deficiency Appropriation Act, 1940, from the Metropolitan Police of the District of Columbia shall be deemed a member of such Metropolitan Police during the period or periods of any such detail for all purposes of rank, pay, allowances, privileges, and benefits to the same extent as though such detail had not been made, and at the termination thereof any such person who was a member of such police on July 1, 1940, shall have a status with respect to rank, pay, allowances, privileges, and benefits which is not less than the status of such person in such police at the end of such detail: *Provided further*, That the Commissioner of the District of Columbia is directed (1) to pay the deputy chief of police detailed under the authority of this paragraph the salary of the rank of deputy chief of police plus \$1,625 and such increases in basic compensation as may be subsequently provided by law so long as this position is held by the present incumbent, (2) to pay the two acting captains detailed under the authority of this paragraph and serving as assistants to the Chief of the Capitol Police, the salary of the rank of inspector and such increases in basic compensation as may be subsequently provided by law so long as these positions are held by the present incumbents, (3) to pay the two detective sergeants detailed under the authority of this paragraph and serving as acting lieutenants the salary of the rank of lieutenant plus \$1,625 and such increases in basic compensation as may be subsequently provided by law so long as these positions are held by the present incumbents, (4) to pay the three detectives permanently detailed under the authority of this paragraph and serving as acting detective sergeants the salary of the rank of detective sergeant and such increases in basic compensation as may be subsequently provided by law, and (5) to pay the acting sergeant of the uniform force regularly assigned as such the salary of the rank of sergeant and such increases in basic compensation as may be subsequently provided by law so long as this position is held by the present incumbent.

No part of any appropriation contained in this Act shall be paid as compensation to any person appointed after June 30, 1935, as an officer or member of the Capitol Police who does not meet the standards to be prescribed for such appointees by the Capitol Police Board: *Provided*, That the Capitol Police Board is hereby authorized to detail police from the House Office, Senate Office, and Capitol buildings for police duty on the Capitol Grounds and on the Library of Congress Grounds.

EDUCATION OF PAGES

For education of congressional pages and pages of the Supreme Court, pursuant to section 243 of the Legislative Reorganization Act, 1946, \$94,579, which amount shall be advanced and credited to the applicable appropriation of the District of Columbia, and the Board of Education of the District of Columbia is hereby authorized to employ such personnel for the education of pages as may be required and to pay compensation for such services in accordance with such rates of compensation as the Board of Education may prescribe.

60 Stat. 839.
2 USC 88a.

OFFICIAL MAIL COSTS

For expenses necessary under section 2 of Public Law 286, Eighty-third Congress, \$9,473,000, to be available immediately.

The foregoing amounts under "other joint items" shall be disbursed by the Clerk of the House.

67 Stat. 614;
74 Stat. 663, 728.
39 USC 4167
and note.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and House of Representatives, of the statements for the second session of the Ninetieth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriation bills as required by law, \$13,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

ARCHITECT OF THE CAPITOL

OFFICE OF THE ARCHITECT OF THE CAPITOL

SALARIES

For the Architect of the Capitol, Assistant Architect of the Capitol, and Second Assistant Architect of the Capitol and other personal services at rates of pay provided by law, \$739,000.

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of \$20,000.

After June 30, 1968, the provisions of law codified as title 40, United States Code, section 167a (66 Stat. 473), relating to maintenance of certain services by the Architect of the Capitol, shall no longer be applicable.

Services after
daily adjournment,
termination.

CONTINGENT EXPENSES

To enable the Architect of the Capitol to make surveys and studies and to meet unforeseen expenses in connection with activities under his care, \$50,000.

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

For necessary expenditures for the Capitol Building and electrical substations of the Senate and House Office Buildings, under the jurisdiction of the Architect of the Capitol, including improvements, maintenance, repair, equipment, supplies, material, fuel, oil, waste, and appurtenances; furnishings and office equipment; special and protective clothing for workmen; uniforms or allowances therefor as

80 Stat. 508;
81 Stat. 206.

41 USC 5.

authorized by law (5 U.S.C. 5901-5902); personal and other services; cleaning and repairing works of art, without regard to section 3709 of the Revised Statutes, as amended; purchase or exchange, maintenance and operation of a passenger motor vehicle; purchase of necessary reference books and periodicals; for expenses of attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, \$2,010,200.

CAPITOL GROUNDS

For care and improvement of grounds surrounding the Capitol, the Senate and House Office Buildings, and the Capitol Power Plant; personal and other services; care of trees; planting; fertilizers; repairs to pavements, walks, and roadways; waterproof wearing apparel; maintenance of signal lights; and for snow removal by hire of men and equipment or under contract without regard to section 3709 of the Revised Statutes, as amended; \$766,700.

SENATE OFFICE BUILDINGS

For maintenance, miscellaneous items and supplies, including furniture, furnishings, and equipment, and for labor and material incident thereto, and repairs thereof; for purchase of waterproof wearing apparel, and for personal and other services; including eight attendants at \$1,800 each; for the care and operation of the Senate Office Buildings; including the subway and subway transportation systems connecting the Senate Office Buildings with the Capitol; uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902), to be expended under the control and supervision of the Architect of the Capitol; in all, \$2,878,900.

SENATE GARAGE

For maintenance, repairs, alterations, personal and other services, and all other necessary expenses, \$62,300.

HOUSE OFFICE BUILDINGS

For maintenance, including equipment; waterproof wearing apparel; uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902); prevention and eradication of insect and other pests without regard to section 3709 of the Revised Statutes, as amended; miscellaneous items; and for all necessary services, including the position of Superintendent of Garages at a gross annual rate of \$14,000; \$4,845,600.

ACQUISITION OF PROPERTY, CONSTRUCTION, AND EQUIPMENT, ADDITIONAL HOUSE OFFICE BUILDING

For an additional amount to enable the Architect of the Capitol, under the direction of the House Office Building Commission, to provide additional construction and equipment and other changes and improvements, authorized by the Additional House Office Building Act of 1955 (69 Stat. 41, 42), as amended, \$527,000, to remain available until expended.

CAPITOL POWER PLANT

For lighting, heating, and power (including the purchase of electrical energy) for the Capitol, Senate and House Office Buildings, Supreme Court Building, Congressional Library Buildings, and the grounds about the same, Botanic Garden, Senate garage, and for air-

conditioning refrigeration not supplied from plants in any of such buildings; for heating the Government Printing Office, Washington City Post Office, and Folger Shakespeare Library, reimbursement for which shall be made and covered into the Treasury; personal and other services, fuel, oil, materials, waterproof wearing apparel, and all other necessary expenses in connection with the maintenance and operation of the plant; \$2,927,000.

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For necessary expenditures for mechanical and structural maintenance, including improvements, equipment, supplies, waterproof wearing apparel, and personal and other services, \$985,000, of which not to exceed \$10,000 shall be available for expenditure without regard to section 3709 of the Revised Statutes, as amended.

41 USC 5.

The unobligated balance of that part of the appropriation under this head for the fiscal year 1967, made available until June 30, 1968, is hereby continued available until June 30, 1969.

FURNITURE AND FURNISHINGS

For furniture, partitions, screens, shelving, and electrical work pertaining thereto and repairs thereof, office and library equipment, apparatus, and labor-saving devices, \$350,000.

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses incident to maintaining, operating, repairing, and improving the Botanic Garden and the nurseries, buildings, grounds, collections, and equipment pertaining thereto, including personal services; waterproof wearing apparel; not to exceed \$25 for emergency medical supplies; traveling expenses, including bus fares, not to exceed \$275; the prevention and eradication of insect and other pests and plant diseases by purchase of materials and procurement of personal services by contract without regard to the provisions of any other Act; purchase and exchange of motor trucks; purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; purchase of botanical books, periodicals, and books of reference, not to exceed \$100; all under the direction of the Joint Committee on the Library; \$565,000.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress, not otherwise provided for, including development and maintenance of the Union Catalogs; custody, care, and maintenance of the Library Buildings; special clothing; cleaning, laundering, and repair of uniforms; preservation of motion pictures in the custody of the Library; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, \$17,240,000, including \$613,000 to be available for reimbursement to the General Services Administration for rental of suitable space in the District of Columbia or its immediate environs for the Library of

Congress, together with \$478,000 to be derived by transfer from the appropriations made for the Office of Education, Department of Health, Education, and Welfare.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, \$2,878,000.

LEGISLATIVE REFERENCE SERVICE

SALARIES AND EXPENSES

60 Stat. 836.

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 166), \$3,650,000: *Provided*, That no part of this appropriation may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration or the Senate Committee on Rules and Administration.

DISTRIBUTION OF CATALOG CARDS

SALARIES AND EXPENSES

For necessary expenses for the preparation and distribution of catalog cards and other publications of the Library, \$7,300,000: *Provided*, That \$200,000 of this appropriation shall be apportioned for use pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), only to the extent necessary to provide for expenses (excluding permanent personal services) for workload increases not anticipated in the budget estimates and which cannot be provided for by normal budgetary adjustments.

BOOKS FOR THE GENERAL COLLECTIONS

For necessary expenses (except personal services) for acquisition of books, periodicals, and newspapers, and all other material for the increase of the Library, \$665,000, to remain available until expended, including \$25,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections.

BOOKS FOR THE LAW LIBRARY

For necessary expenses (except personal services) for acquisition of books, legal periodicals, and all other material for the increase of the law library, \$125,000, to remain available until expended.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

80 Stat. 330.

For salaries and expenses to carry out the provisions of the Act approved March 3, 1931 (2 U.S.C. 135a), as amended, \$6,668,000.

ORGANIZING AND MICROFILMING THE PAPERS OF THE PRESIDENTS

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Act of August 16, 1957 (71 Stat. 368), as amended by the Act of April 27, 1964 (78 Stat. 183), \$112,800, to remain available until expended.

2 USC 131 note.

COLLECTION AND DISTRIBUTION OF LIBRARY MATERIALS

(SPECIAL FOREIGN CURRENCY PROGRAM)

For necessary expenses for carrying out the provisions of section 104(b)(5) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704), to remain available until expended, \$2,000,000, of which \$1,807,600 shall be available only for payments in foreign currencies which the Treasury Department shall determine to be excess to the normal requirements of the United States.

80 Stat. 1530.

ADMINISTRATIVE PROVISIONS

Appropriations in this Act available to the Library of Congress for salaries shall be available for expenses of investigating the loyalty of Library employees; special and temporary services (including employees engaged by the day or hour or in piecework); and services as authorized by 5 U.S.C. 3109.

80 Stat. 416.

Not to exceed ten positions in the Library of Congress may be exempt from the provisions of appropriation Acts concerning the employment of aliens during the current fiscal year, but the Librarian shall not make any appointment to any such position until he has ascertained that he cannot secure for such appointments a person in any of the categories specified in such provisions who possesses the special qualifications for the particular position and also otherwise meets the general requirements for employment in the Library of Congress.

Employment of
aliens.

Funds available to the Library of Congress may be expended to reimburse the Department of State for medical services rendered to employees of the Library of Congress stationed abroad; for purchase or hire of passenger motor vehicles; and for payment of travel, storage and transportation of household goods, and transportation and per diem expenses for families en route (not to exceed twenty-four), subject to such rules and regulations as may be issued by the Librarian of Congress.

Disbursement
of funds.

Payments in advance for subscriptions or other charges for bibliographical data, publications, materials in any other form, and services may be made by the Librarian of Congress whenever he determines it to be more prompt, efficient, or economical to do so in the interest of carrying out required Library programs.

Advance pay-
ments.

GOVERNMENT PRINTING OFFICE

PRINTING AND BINDING

For authorized printing and binding for the Congress; for printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 182); printing, binding, and distribution of the Federal Register (including the Code of Federal Regulations) as authorized by law (44 U.S.C. 309, 311, 311a); and printing and binding of Government publications authorized by law to be distributed without charge to the recipients; \$31,000,000: *Provided*, That this appropriation shall not be available for printing

49 Stat. 1546.

49 Stat. 502;
67 Stat. 388;
77 Stat. 343;
56 Stat. 1045.

and binding part 2 of the annual report of the Secretary of Agriculture (known as the Yearbook of Agriculture): *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

For necessary expenses of the Office of Superintendent of Documents, including compensation of all employees in accordance with the Act entitled "An Act to regulate and fix rates of pay for employees and officers of the Government Printing Office", approved June 7, 1924 (44 U.S.C. 40); travel expenses (not to exceed \$10,000); price lists and bibliographies; repairs to buildings, elevators and machinery; and supplying books to depository libraries; \$8,000,000: *Provided*, That \$200,000 of this appropriation shall be apportioned for use pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), with the approval of the Public Printer, only to the extent necessary to provide for expenses (excluding permanent personal services) for workload increases not anticipated in the budget estimates and which cannot be provided for by normal budgetary adjustments.

43 Stat. 658.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the "Government Printing Office revolving fund": *Provided*, That during the current fiscal year the revolving fund shall be available for the hire of one passenger motor vehicle and the purchase of one passenger motor vehicle (station wagon).

61 Stat. 584.
31 USC 849.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not to exceed \$2,000 to be expended on the certification of the Comptroller General of the United States in connection with special studies of governmental financial practices and procedures; services as authorized by 5 U.S.C. 3109; not to exceed \$6,000 for purchase of one passenger motor vehicle for replacement only; advance payments in foreign countries notwithstanding section 3648, Revised Statutes, as amended (31 U.S.C. 529); and rental of living quarters in foreign countries under regulations prescribed by the Comptroller General of the United States; \$57,500,000.

80 Stat. 416.

GENERAL PROVISIONS

SEC. 102. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles.

SEC. 103. Whenever any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for herein or whenever the rate of compensation or designation of any position appropriated for herein is different from that specifically established for such position by such Act, the rate of compensation and the designation of the position, or either, appropriated for or provided

46 Stat. 32.
2 USC 60a note.

herein, shall be the permanent law with respect thereto: *Provided*, That the provisions herein for the various items of official expenses of Members, officers, and committees of the Senate and House, and clerk hire for Senators and Members shall be the permanent law with respect thereto: *Provided further*, That the provisions relating to a position and salary thereof carried in House Resolution 905 of the Ninetieth Congress shall be the permanent law with respect thereto.

SEC. 104. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 105. Effective July 1, 1968, with respect to those officers and members of the United States Capitol Police force who had prior to such date completed the training program approved by the Capitol Police Board and had qualified to receive a certificate for such training, the per annum rate of compensation of captains shall be \$13,348 each, the per annum rate of compensation of lieutenants and special officers shall be \$11,280 each, the per annum rate of compensation of sergeants shall be \$9,400 each, and the per annum rate of compensation of privates shall be \$7,144 each: *Provided*, That with respect to those officers and members of such force who on or after such date complete such training program and qualify for such certificate, such rates of compensation shall take effect on the first day of the first month following the date on which any such officer or member, as certified by the Capitol Police Board, completes such training and qualifies for such certificate.

U.S. Capitol Police, certification; salaries.

SEC. 106. The stationery allowance, as authorized by law, for each Senator shall hereafter be available only for (1) purchases made through the Senate stationery room of stationery and other office supplies for use for official business, and (2) reimbursement upon presentation, within thirty days after the close of the fiscal year for which the allowance is provided, of receipted invoices for purchases elsewhere of stationery and other office supplies (excluding items not ordinarily available in the Senate stationery room) for use for official business in an office maintained by a Senator in his home State. Any part of the allowance for stationery which remains unobligated at the end of the fiscal year 1969 or any subsequent fiscal year shall be withdrawn from the revolving fund established by the Third Supplemental Appropriation Act, 1957 (71 Stat. 188; 2 U.S.C. 46a 1), and covered into the general fund of the Treasury.

Senate stationery allowances.

This Act may be cited as the "Legislative Branch Appropriation Act, 1969".

Short title.

Approved July 23, 1968.

Public Law 90-418

AN ACT

To amend the Commodity Exchange Act, as amended, to make frozen concentrated orange juice subject to the provisions of such Act.

July 23, 1968
[S. 3143]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third sentence of section 2(a) of the Commodity Exchange Act, as amended (7 U.S.C. 2), is amended by striking out "and livestock products" and inserting in lieu thereof "livestock products, and frozen concentrated orange juice".

Commodity Exchange Act, amendment.
49 Stat. 1491;
Ante, p. 26.

Approved July 23, 1968.

Public Law 90-419

July 24, 1968
[S. 660]

AN ACT

Granting the consent of Congress to a Great Lakes Basin Compact, and for other purposes.

Great Lakes
Basin Compact.
Consent of
Congress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given, to the extent and subject to the conditions hereinafter set forth, to the Great Lakes Basin Compact which has been entered into by the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin in the form as follows:

“GREAT LAKES BASIN COMPACT

“The party states solemnly agree:

“ARTICLE I

Purposes.

“The purposes of this compact are, through means of joint or cooperative action:

“1. To promote the orderly, integrated, and comprehensive development, use, and conservation of the water resources of the Great Lakes Basin (hereinafter called the Basin).

“2. To plan for the welfare and development of the water resources of the Basin as a whole as well as for those portions of the Basin which may have problems of special concern.

“3. To make it possible for the states of the Basin and their people to derive the maximum benefit from utilization of public works, in the form of navigational aids or otherwise, which may exist or which may be constructed from time to time.

“4. To advise in securing and maintaining a proper balance among industrial, commercial, agricultural, water supply, residential, recreational, and other legitimate uses of the water resources of the Basin.

“5. To establish and maintain an intergovernmental agency to the end that the purposes of this compact may be accomplished more effectively.

“ARTICLE II

Effective date.

“A. This compact shall enter into force and become effective and binding when it has been enacted by the legislatures of any four of the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin and thereafter shall enter into force and become effective and binding as to any other of said states when enacted by the legislature thereof.

“B. The Province of Ontario and the Province of Quebec, or either of them, may become states party to this compact by taking such action as their laws and the laws of the Government of Canada may prescribe for adherence thereto. For the purpose of this compact the word ‘state’ shall be construed to include a Province of Canada.

“State.”

"ARTICLE III

"The Great Lakes Commission created by Article IV of this compact shall exercise its powers and perform its functions in respect to the Basin which, for the purposes of this compact, shall consist of so much of the following as may be within the party states:

"1. Lakes Erie, Huron, Michigan, Ontario, St. Clair, Superior, and the St. Lawrence River, together with any and all natural or man-made water interconnections between or among them.

"2. All rivers, ponds, lakes, streams, and other watercourses which, in their natural state or in their prevailing conditions, are tributary to Lakes Erie, Huron, Michigan, Ontario, St. Clair, and Superior or any of them or which comprise part of any watershed draining into any of said lakes.

"ARTICLE IV

"A. There is hereby created an agency of the party states to be known as The Great Lakes Commission (hereinafter called the Commission). In that name the Commission may sue and be sued, acquire, hold and convey real and personal property and any interest therein. The Commission shall have a seal with the words 'The Great Lakes Commission' and such other design as it may prescribe engraved thereon by which it shall authenticate its proceedings. Transactions involving real or personal property shall conform to the laws of the state in which the property is located, and the Commission may by by-laws provide for the execution and acknowledgement of all instruments in its behalf.

Great Lakes
Commission.
Establishment.

Seal.

"B. The Commission shall be composed of not less than three commissioners nor more than five commissioners from each party state designated or appointed in accordance with the law of the state which they represent and serving and subject to removal in accordance with such law.

Personnel.

"C. Each state delegation shall be entitled to three votes in the Commission. The presence of commissioners from a majority of the party states shall constitute a quorum for the transaction of business at any meeting of the Commission. Actions of the Commission shall be by a majority of the votes cast except that any recommendations made pursuant to Article VI of this compact shall require an affirmative vote of not less than a majority of the votes cast from each of a majority of the states present and voting.

"D. The commissioners of any two or more party states may meet separately to consider problems of particular interest to their states but no action taken at any such meeting shall be deemed an action of the Commission unless and until the Commission shall specifically approve the same.

"E. In the absence of any commissioner, his vote may be cast by another representative or commissioner of his state provided that said commissioner or other representative casting said vote shall have a written proxy in proper form as may be required by the Commission.

"F. The Commission shall elect annually from among its members a chairman and vice-chairman. The Commission shall appoint an Executive Director who shall also act as secretary-treasurer, and who shall be bonded in such amount as the Commission may require. The Executive Director shall serve at the pleasure of the Commission and at such compensation and under such terms and conditions as may be fixed by it. The Executive Director shall be custodian of the records of the Commission with authority to affix the Commission's official seal and to attest to and certify such records or copies thereof.

Election of
officers.
Executive Direc-
tor, appointment.
Duties.

"G. The Executive Director, subject to the approval of the Commission in such cases as its by-laws may provide, shall appoint and remove or discharge such personnel as may be necessary for the performance of the Commission's function. Subject to the aforesaid approval, the Executive Director may fix their compensation, define their duties, and require bonds of such of them as the Commission may designate.

"H. The Executive Director, on behalf of, as trustee for, and with the approval of the Commission, may borrow, accept, or contract for the services of personnel from any state or government or any subdivision or agency thereof, from any inter-governmental agency, or from any institution, person, firm or corporation; and may accept for any of the Commission's purposes and functions under this compact any and all donations, gifts, and grants of money, equipment, supplies, materials, and services from any state or government or any subdivision or agency thereof or inter-governmental agency or from any institution, person, firm or corporation and may receive and utilize the same.

Office main-
tenance.

"I. The Commission may establish and maintain one or more offices for the transacting of its business and for such purposes the Executive Director, on behalf of, as trustee for, and with the approval of the Commission, may acquire, hold and dispose of real and personal property necessary to the performance of its functions.

"J. No tax levied or imposed by any party state or any political subdivision thereof shall be deemed to apply to property, transactions, or income of the Commission.

"K. The Commission may adopt, amend and rescind by-laws, rules and regulations for the conduct of its business.

"L. The organization meeting of the Commission shall be held within six months from the effective date of the compact.

Information,
availability.

"M. The Commission and its Executive Director shall make available to the party states any information within its possession and shall always provide free access to its records by duly authorized representatives of such party states.

Reports.

"N. The Commission shall keep a written record of its meetings and proceedings and shall annually make a report thereof to be submitted to the duly designated official of each party state.

"O. The Commission shall make and transmit annually to the legislature and Governor of each party state a report covering the activities of the Commission for the preceding year and embodying such recommendations as may have been adopted by the Commission. The Commission may issue such additional reports as it may deem desirable.

"ARTICLE V

"A. The members of the Commission shall serve without compensation, but the expenses of each commissioner shall be met by the state which he represents in accordance with the law of that state. All other expenses incurred by the Commission in the course of exercising the powers conferred upon it by this compact, unless met in some other manner specifically provided by this compact, shall be paid by the Commission out of its own funds.

Budget.

"B. The Commission shall submit to the executive head or designated officer of each party state a budget of its estimated expenditures for such period as may be required by the laws of that state for presentation to the legislature thereof.

"C. Each of the Commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. Detailed commission budgets shall be recommended by a majority of the votes cast, and the costs shall

be allocated equitably among the party states in accordance with their respective interests.

"D. The Commission shall not pledge the credit of any party state. The Commission may meet any of its obligations in whole or in part with funds available to it under Article IV(H) of this compact, provided that the Commission takes specific action setting aside such funds prior to the incurring of any obligations to be met in whole or in part in this manner. Except where the Commission makes use of funds available to it under Article IV(H) hereof, the Commission shall not incur any obligations prior to the allotment of funds by the party states adequate to meet the same.

"E. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under the by-laws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become a part of the annual report of the Commission.

Recordkeeping.

"F. The accounts of the Commission shall be open at any reasonable time for inspection by such agency, representative or representatives of the party states as may be duly constituted for that purpose and by others who may be authorized by the Commission.

"ARTICLE VI

"The Commission shall have power to:

Powers.

"A. Collect, correlate, interpret, and report on data relating to the water resources and the use thereof in the Basin or any portion thereof.

"B. Recommend methods for the orderly, efficient, and balanced development, use and conservation of the water resources of the Basin or any portion thereof to the party states and to any other governments or agencies having interests in or jurisdiction over the Basin or any portion thereof.

"C. Consider the need for and desirability of public works and improvements relating to the water resources in the Basin or any portion thereof.

"D. Consider means of improving navigation and port facilities in the Basin or any portion thereof.

"E. Consider means of improving and maintaining the fisheries of the Basin or any portion thereof.

"F. Recommend policies relating to water resources including the institution and alteration of flood plain and other zoning laws, ordinances and regulations.

"G. Recommend uniform or other laws, ordinances, or regulations relating to the development, use and conservation of the Basin's water resources to the party states or any of them and to other governments, political subdivisions, agencies or inter-governmental bodies having interests in or jurisdiction sufficient to affect conditions in the Basin or any portion thereof.

"H. Consider and recommend amendments or agreements supplementary to this compact to the party states or any of them, and assist in the formulation and drafting of such amendments or supplementary agreements.

"I. Prepare and publish reports, bulletins, and publications appropriate to this work and fix reasonable sales prices therefor.

"J. With respect to the water resources of the Basin or any portion thereof, recommend agreements between the governments of the United States and Canada.

36 Stat. 2454.

"K. Recommend mutual arrangements expressed by concurrent or reciprocal legislation on the part of Congress and the Parliament of Canada including but not limited to such agreements and mutual arrangements as are provided for by Article XIII of the Treaty of 1909 Relating to Boundary Waters and Questions Arising Between the United States and Canada. (Treaty Series, No. 548).

"L. Cooperate with the governments of the United States and of Canada, the party states and any public or private agencies or bodies having interests in or jurisdiction sufficient to affect the Basin or any portion thereof.

"M. At the request of the United States, or in the event that a Province shall be a party state, at the request of the Government of Canada, assist in the negotiation and formulation of any treaty or other mutual arrangement or agreement between the United States and Canada with reference to the Basin or any portion thereof.

"N. Make any recommendation and do all things necessary and proper to carry out the powers conferred upon the Commission by this compact, provided that no action of the Commission shall have the force of law in, or be binding upon, any party state.

"ARTICLE VII

"Each party state agrees to consider the action the Commission recommends in respect to:

"A. Stabilization of lake levels.

"B. Measures for combating pollution, beach erosion, floods and shore inundation.

"C. Uniformity in navigation regulations within the constitutional powers of the states.

"D. Proposed navigation aids and improvements.

"E. Uniformity or effective coordinating action in fishing laws and regulations and cooperative action to eradicate destructive and parasitical forces endangering the fisheries, wildlife and other water resources.

"F. Suitable hydroelectric power developments.

"G. Cooperative programs for control of soil and bank erosion for the general improvement of the Basin.

"H. Diversion of waters from and into the Basin.

"I. Other measures the Commission may recommend to the states pursuant to Article VI of this compact.

"ARTICLE VIII

"This compact shall continue in force and remain binding upon each party state until renounced by the act of the legislature of such state, in such form and manner as it may choose and as may be valid and effective to repeal a statute of said state, provided that such renunciation shall not become effective until six months after notice of such action shall have been officially communicated in writing to the executive head of the other party states.

"ARTICLE IX

"It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States, or in the case of a Province, to the British North America Act of 1867 as amended, or

the applicability thereof to any state, agency, person or circumstance is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to any state, agency, person or circumstance shall not be affected thereby, provided further that if this compact shall be held contrary to the constitution of the United States, or in the case of a Province, to the British North America Act of 1867 as amended, or of any party state, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters."

SEC. 2. The consent herein granted does not extend to paragraph B of article II or to paragraphs J, K, and M of article VI of the compact, or to other provisions of article VI of the compact which purport to authorize recommendations to, or cooperation with, any foreign or international governments, political subdivisions, agencies or bodies. In carrying out its functions under this Act the Commission shall be solely a consultative and recommendatory agency which will cooperate with the agencies of the United States. It shall furnish to the Congress and to the President, or to any official designated by the President, copies of its reports submitted to the party states pursuant to paragraph O of article IV of the compact.

Report to Congress and President.

SEC. 3. Nothing contained in this Act or in the compact consented to hereby shall be construed to affect the jurisdiction, powers, or prerogatives of any department, agency, or officer of the United States Government or of the Great Lakes Basin Committee established under title II of the Water Resources Planning Act, or of any international commission or agency over or in the Great Lakes Basin or any portion thereof, nor shall anything contained herein be construed to establish an international agency or to limit or affect in any way the exercise of the treaty-making power or any other power or right of the United States.

79 Stat. 246.
42 USC 1962b-1962b-6.

SEC. 4. The right to alter, amend, or repeal this Act is expressly reserved.

Approved July 24, 1968.

Public Law 90-420

AN ACT

To amend the Northwest Atlantic Fisheries Act of 1950 (Public Law 81-845).

July 24, 1968
[S. 1260]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Northwest Atlantic Fisheries Act of 1950 (64 Stat. 1067; 16 U.S.C. 981-991) is amended as follows:

Northwest Atlantic Fisheries Act of 1950, amendment.

(a) By changing the period in section 2(a) of the Act to a comma and adding the following words: "and amendments including the 1961 declaration of understanding and the 1963 protocol, as well as the convention signed at Washington under date of February 8, 1949."

Definitions.
16 USC 981.

(b) By inserting the words "or mammal" after the word "fish" in section 2(g).

14 UST 924;
17 UST 635.
1 UST 477.

(c) By adding a new subsection (h) in section 2 of the Act to read as follows:

"(h) Fish: The word 'fish' means any species of fish, mollusks, crustaceans, including lobsters, and all forms of marine animal life covered by the convention."

(d) By deleting the words "outside of the United States" in section 4(b).

16 USC 983.

Approved July 24, 1968.

Public Law 90-421

July 24, 1968
[H. R. 9063]

AN ACT

To amend the International Claims Settlement Act of 1949, as amended, to provide for the timely determination of certain claims of American nationals, and for other purposes.

International
Claims Settlement
Act of 1949,
amendment.

64 Stat. 15.
22 USC 1623.

Attorneys' fees,
limitation.

Penalty.

Deductions for
expenses.

64 Stat. 16;
67 Stat. 506.
22 USC 1626.

Legal disability
or death pay-
ments.

64 Stat. 17.
22 USC 1627.

Payments pro-
cedure.

22 USC 1623.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the International Claims Settlement Act of 1949, as amended, is further amended as follows:

(1) Subsection (f) of section 4, title I, is hereby amended to read as follows:

"(f) No remuneration on account of services rendered on behalf of any claimant in connection with any claim filed with the Commission under this title shall exceed 10 per centum of the total amount paid pursuant to any award certified under the provisions of this title, on account of such claim. Any agreement to the contrary shall be unlawful and void. Whoever, in the United States or elsewhere, demands or receives, on account of services so rendered, any remuneration in excess of the maximum permitted by this section, shall be fined not more than \$5,000 or imprisoned not more than twelve months, or both."

(2) Subsection (b) of section 7, title I, is amended by inserting "(1)" after the subsection letter, and adding at the end thereof the following paragraph:

"(2) The Secretary of the Treasury shall deduct from any amounts covered, subsequent to the date of enactment of this paragraph, into any special fund, created pursuant to section 8, 5 per centum thereof as reimbursement to the Government of the United States for expenses incurred by the Commission and by the Treasury Department in the administration of this title. The amounts so deducted shall be covered into the Treasury to the credit of miscellaneous receipts."

(3) Paragraph (1) of subsection (c), section 7, title I, is hereby amended to read as follows:

"(1) if any person to whom any payment is to be made pursuant to this title is deceased or is under a legal disability, payment shall be made to his legal representative, except that if any payment to be made is not over \$1,000 and there is no qualified executor or administrator, payment may be made to the person or persons found by the Comptroller General to be entitled thereto, without the necessity of compliance with the requirements of law with respect to the administration of estates;"

(4) Subsection (c) of section 8, title I, is amended by inserting the phrase "prior to the date of enactment of subsection (e) of this section," immediately after the word "covered" and before the word "into", and by inserting "(1)" after the words "section 7(b)" and before the words "of this title."

(5) Section 8, title I, is hereby further amended by adding at the end thereof the following subsection:

"(e) The Secretary of the Treasury is authorized and directed out of sums covered, subsequent to the date of enactment of this subsection, into any special fund created pursuant to this section to make payment on account of awards certified by the Commission pursuant to this title with respect to claims included within the terms of a claims settlement agreement concluded between the Government of the United States and a foreign government as described in subsection (a) of section 4 of this title, as follows and in the following order of priority:

"(1) Payment in the amount of \$1,000 or the principal amount of the award, whichever is less;

"(2) Thereafter, payments from time to time on account of the unpaid principal balance of each remaining award which shall bear to such unpaid principal balance the same proportion as the total amount available for distribution at the time such payments are made bears to the aggregate unpaid principal balance of all such awards; and

"(3) Thereafter, payments from time to time on account of the unpaid balance of each award of interest which shall bear to such unpaid balance of interest, the same proportion as the total amount available for distribution at the time such payments are made bears to the aggregate unpaid balance of interest of all such awards."

(6) The first sentence of subsection (c), of section 207, title II, is amended to read as follows:

69 Stat. 564.
22 USC 1631f.

"(c) The sole relief and remedy of any person having any claim to any property vested pursuant to section 202(a), except a person claiming under section 216, shall be that provided by the terms of subsection (a) or (b) of this section, and in the event of the liquidation by sale or otherwise of such property, shall be limited to and enforced against the net proceeds received therefrom and held by the designee of the President."

22 USC 1631a.

(7) Title II is amended by adding at the end thereof the following new section:

69 Stat. 562-
570.
22 USC 1631-

"SEC. 216. (a) Notwithstanding any other provision of this Act or any provision of the Trading With the Enemy Act, as amended, any person (1) who was formerly a national of Bulgaria, Hungary, or Rumania, and (2) who, as a consequence of any law, decree, or regulation of the nation of which he was a national discriminating against political, racial or religious groups, at no time between December 7, 1941, and the time when such law, decree, or regulation was abrogated enjoyed full rights of citizenship under the law of such nation, shall be eligible hereunder to receive the return of his interest in property which was vested under section 202(a) hereof or under the Trading With the Enemy Act, as amended, as the property of a corporation organized under the laws of Bulgaria, Hungary, or Rumania if 25 per centum or more of the outstanding capital stock of such corporation was owned at the date of vesting by such persons and nationals of countries other than Bulgaria, Hungary, Rumania, Germany, or Japan, or if such corporation was subjected after December 7, 1941, under the laws of its country, to special wartime measures directed against it because of the enemy character of some or all of its stockholders; and no certificate by the Department of State as provided under section 207(c) hereof shall be required for such persons.

1631n.
40 Stat. 411.
50 USC app. 1.

"(b) An interest in property vested under the Trading With the Enemy Act, as amended, as the property of a corporation organized under the laws of Bulgaria, Hungary, or Rumania shall be subject to return under subsection (a) of this section only if a notice of claim for the return of any such interest has been timely filed under the provisions of section 33 of that Act, provided that application may be made therefore within six months after the date of enactment hereof. In the event such interest has been liquidated and the net proceeds thereof transferred to the Bulgarian Claims Fund, Hungarian Claims Fund, or Rumanian Claims Fund, the net proceeds of any other interest representing vested property held in the United States Treasury may be used for the purpose of making the return hereunder.

22 USC 1631f.

50 USC app. 33.

"(c) Determinations by the designee of the President or any other officer or agency with respect to claims under this section, including the allowance or disallowance thereof, shall be final and shall not be subject to review by any court."

Bulgarian and
Rumanian Claims
Funds.

69 Stat. 571.

22 USC 1641a.

22 USC 1641b.

Italian claims.

69 Stat. 572.

22 USC 1641c.

76 Stat. 1107.

50 USC app.

2017a.

Publication in
Federal Register.

69 Stat. 573.

22 USC 1641i.

(8) Section 302, title III, is amended by inserting "(a)" after the section number and adding at the end thereof the following subsection:

"(b) The Secretary of the Treasury shall cover into each of the Bulgarian and Rumanian Claims Funds such sums as may be paid by the Government of the respective country pursuant to the terms of any claims settlement agreement between the Government of the United States and the Government of such country."

(9) Section 303, title III, is amended by striking out the word "and" at the end of paragraph (2), and by striking out the period at the end of the paragraph (3) and inserting in lieu thereof a semicolon and immediately thereafter the word "and".

(10) Section 303, title III, is further amended by adding at the end thereof the following new paragraph:

"(4) pay effective compensation for the nationalization, compulsory liquidation, or other taking of property of nationals of the United States in Bulgaria and Rumania, between August 9, 1955, and the effective date of the claims agreement between the respective country and the United States."

(11) Section 304 of title III is amended by inserting "(a)" after the section number and adding at the end thereof the following subsections:

"(b) The Commission shall receive and determine, or redetermine, as the case may be, in accordance with applicable substantive law, including international law, the validity and amounts of claims owned by persons who were eligible to file claims under the first sentence of subsection (a) of this section on the date of enactment of this title, but failed to file such claims or, if they filed such claims, failed to file such claims within the limit of time required therefor: *Provided*, That no awards shall be made to persons who have received compensation in any amount pursuant to the treaty of peace with Italy, subsection (a) of this section, or section 202 of the War Claims Act of 1948, as amended.

"(c) The Commission shall receive and determine, or redetermine as the case may be, in accordance with applicable substantive law, including international law, the validity and amounts of claims owned by persons who were nationals of the United States on September 3, 1943, and the date of enactment of this subsection, against the Government of Italy which arose out of the war in which Italy was engaged from June 10, 1940, to September 15, 1947, in territory ceded by Italy pursuant to the treaty of peace with Italy: *Provided*, That no awards shall be made to persons who have received compensation in any amount pursuant to the treaty of peace with Italy or subsection (a) of this section.

"(d) Within thirty days after enactment of this subsection, or within thirty days after the date of enactment of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under subsections (b) and (c) of this section, whichever date is later, the Commission shall publish in the Federal Register the time when and the limit of time within which claims may be filed with the Commission, which limit shall not be more than six months after such publication.

"(e) The Commission shall certify awards on claims determined pursuant to subsections (b) and (c) of this section to the Secretary of the Treasury for payment out of remaining balances in the Italian Claims Fund in accordance with the provisions of section 310 of this title, after payment in full of all awards certified pursuant to subsection (a) of this section.

"(f) After payment in full of all awards certified to the Secretary of the Treasury pursuant to subsections (a) and (e) of this section,

the Secretary of the Treasury is authorized and directed to transfer the unobligated balance in the Italian Claims Fund into the War Claims Fund created by section 13 of the War Claims Act of 1948, as amended."

(12) Section 306, title III, is amended by inserting "(a)" after the section number and adding at the end thereof the following subsection:

"(b) Within thirty days after enactment of this subsection or the enactment of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under paragraph (4) of section 303 of this title, whichever is later, the Commission shall publish in the Federal Register the time when and the limit of time within which claims may be filed under paragraph (4) of section 303 of this title, which limit shall not be more than six months after such publication."

(13) Section 310, title III, is amended by adding at the end of subsection (a) thereof the following paragraph:

"(6) Whenever the Commission is authorized to settle claims by the enactment of paragraph (4) of section 303 of this title with respect to Rumania and Bulgaria, no further payments shall be authorized by the Secretary of the Treasury on account of awards certified by the Commission pursuant to paragraph (1), (2), or (3) of section 303 of the Bulgarian or Rumanian Claims Funds, as the case may be, until payments on account of awards certified pursuant to paragraph (4) of section 303 with respect to such fund have been authorized in equal proportion to payments previously authorized on existing awards certified pursuant to paragraphs (1), (2), and (3) of section 303."

(14) Section 316, title III, is amended by inserting "(a)" after the section number and adding at the end thereof the following subsection:

"(b) The Commission shall complete its affairs in connection with the settlement of claims pursuant to paragraph (4) of section 303 and subsections (b) and (c) of section 304 of this title not later than two years following the date of enactment of such paragraph, or following the enactment of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under paragraph (4) of section 303 and subsections (b) and (c) of section 304 of this title, whichever is later."

Approved July 24, 1968.

Public Law 90-422

AN ACT

To extend for an additional three years the authorization of appropriations under the State Technical Services Act of 1965.

July 24, 1968
[S. 3245]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 10 of the State Technical Services Act of 1965 (15 U.S.C. 1360; 79 Stat. 682) is amended by striking the period at the end of subsection (a) and inserting the following: " ; \$6,600,000 for the fiscal year ending June 30, 1969; \$10,000,000 for the fiscal year ending June 30, 1970; \$10,000,000 for the fiscal year ending June 30, 1971."

State Technical
Services Act of
1965, extension.

Approved July 24, 1968.

62 Stat. 1247.
50 USC app.
2012.
69 Stat. 572.
22 USC 1641e.

Ante, p. 422.
Publication in
Federal Register.

69 Stat. 573.
22 USC 1641i.

22 USC 1641b.

69 Stat. 574.
22 USC 1641o.

Ante, p. 422.

Public Law 90-423

AN ACT

July 24, 1968
[H. R. 16024]

To extend for two years the Act of September 30, 1965, relating to high-speed ground transportation, and for other purposes.

High-speed
ground transpor-
tation.
Research exten-
sion.

Advisory com-
mittee.
49 USC 1635.

Secretarial au-
thority.
49 USC 1637.

49 USC 1639.

Appropriation.
49 USC 1641.

Termination
date.
49 USC 1642.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first section of the Act entitled "An Act to authorize the Secretary of Commerce to undertake research and development in high-speed ground transportation, and for other purposes", approved September 30, 1965 (79 Stat. 893; Public Law 89-220; 49 U.S.C. 1631), is amended by striking out "Secretary of Commerce" and inserting in lieu thereof "the Secretary of Transportation".

(b) Section 5 of such Act of September 30, 1965, is amended by striking out "Department of Commerce" and inserting in lieu thereof "Department of Transportation".

(c) Section 7 of such Act of September 30, 1965, is amended by adding at the end thereof the following: "In furtherance of these activities, the Secretary may acquire necessary sites by purchase, lease, or grant and may acquire, construct, repair, or furnish necessary support facilities. In furtherance of a demonstration program, the Secretary may contract for the construction of two suburban rail stations, one at Lanham, Maryland, and one at Woodbridge, New Jersey, without acquiring any property interest therein."

(d) Section 9 of such Act of September 30, 1965, is amended by striking out "Administrator of the Housing and Home Finance Agency" and inserting in lieu thereof "Secretary of Housing and Urban Development."

(e) The first sentence of section 11 of such Act of September 30, 1965, is amended by striking out "and" and by striking out the period at the end thereof and inserting in lieu thereof a semicolon and the following: "\$16,200,000 for the fiscal year ending June 30, 1969; and \$21,200,000 for the fiscal year ending June 30, 1970."

(f) The first sentence of section 12 of such Act of September 30, 1965, is amended by striking out "1969" and inserting in lieu thereof "1971".

Approved July 24, 1968.

Public Law 90-424

AN ACT

July 24, 1968
[H. R. 5704]

To grant minerals, including oil, gas, and other natural deposits, on certain lands in the Northern Cheyenne Indian Reservation, Montana, to certain Indians, and for other purposes.

Northern Chey-
enne Indian Res-
ervation, Mont.
Minerals grant.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act of June 3, 1926 (44 Stat. 690), as amended by the Act of July 24, 1947 (61 Stat. 418), and the Act of September 22, 1961 (75 Stat. 586), is hereby amended to read as follows:

"Sec. 3. (a) The coal or other minerals, including oil, gas, and other natural deposits, on said reservation are hereby reserved in perpetuity for the benefit of the tribe and may be leased with the consent of the Indian council for mining purposes in accordance with the provisions of the Act of May 11, 1938 (52 Stat. 347; 25 U.S.C. 396a-f), under such rules, regulations, and conditions as the Secretary of the Interior may prescribe.

70 Stat. 774.
25 USC 396a-
396g.

“(b) The unallotted lands of said tribe of Indians shall be held in common, subject to the control and management thereof as Congress may deem expedient for the benefit of said Indians.”

SEC. 2. The Northern Cheyenne Tribe is authorized to commence in the United States District Court for the District of Montana an action against the allottees who received allotments pursuant to the Act of June 3, 1926, as amended, their heirs or devisees, either individually or as a class, to determine whether under the provisions of the Act of June 3, 1926, as amended, the allottees, their heirs or devisees, have received a vested property right in the minerals which is protected by the fifth amendment. The United States District Court for the District of Montana shall have jurisdiction to hear and determine the action and an appeal from its judgment may be taken as provided by law. If the court determines that the allottees, their heirs or devisees, have a vested interest in the minerals which is protected by the fifth amendment, or if the tribe does not commence an action as here authorized within two years from the date of this Act, the first section of this Act shall cease to have any force or effect, and the provisions of section 3 of the Act of June 3, 1926, as amended by the Acts of July 24, 1947, and September 21, 1961, shall thereupon be carried out as fully as if section 3 had not been amended by this Act.

Approved July 24, 1968.

Public Law 90-425

AN ACT

July 26, 1968

[H. R. 17354]

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1969, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending June 30, 1969, and for other purposes, namely:

Department of
the Interior and
Related Agencies
Appropriation Act,
1969.

TITLE I—DEPARTMENT OF THE INTERIOR PUBLIC LAND MANAGEMENT

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, and performance of other functions, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, \$50,751,000.

CONSTRUCTION AND MAINTENANCE

For acquisition, construction and maintenance of buildings, appurtenant facilities, and other improvements, and maintenance of access roads, \$3,081,000, to remain available until expended.

PUBLIC LANDS DEVELOPMENT ROADS AND TRAILS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

For liquidation of obligations incurred pursuant to authority contained in title 23, United States Code, section 203, \$3,500,000, to remain available until expended.

72 Stat. 906;
76 Stat. 1147.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of rights-of-way and of existing connecting roads on or adjacent to such lands; an amount equivalent to 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands, to remain available until expended: *Provided*, That the amount appropriated herein for the purposes of this appropriation on lands administered by the Forest Service shall be transferred to the Forest Service, Department of Agriculture: *Provided further*, That the amount appropriated herein for road construction on lands other than those administered by the Forest Service shall be transferred to the Bureau of Public Roads, Federal Highway Administration, Department of Transportation: *Provided further*, That the amount appropriated herein is hereby made a reimbursable charge against the Oregon and California land-grant fund and shall be reimbursed to the general fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

43 USC 1181f.

RANGE IMPROVEMENTS

For construction, purchase, and maintenance of range improvements pursuant to the provisions of sections 3 and 10 of the Act of June 28, 1934, as amended (43 U.S.C. 315), sums equal to the aggregate of all moneys received, during the current fiscal year, as range improvements fees under section 3 of said Act, 25 per centum of all moneys received, during the current fiscal year, under section 15 of said Act, and the amount designated for range improvements from grazing fees from Bankhead-Jones lands transferred to the Department of the Interior by Executive Order 10787, dated November 6, 1958, to remain available until expended.

48 Stat. 1270;
61 Stat. 790.

49 Stat. 1978.

3 CFR 1954-
1958 Comp., p.
424.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase of one passenger motor vehicle for replacement only; purchase of one aircraft; purchase, erection, and dismantlement of temporary structures; and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title: *Provided*, That of appropriations herein made for the Bureau of Land Management expenditures in connection with the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands (other than expenditures made under the appropriation "Oregon and California grant lands") shall be reimbursed to the general fund of the Treasury from the 25 per centum referred to in subsection (c), title II, of the Act approved August 28, 1937 (50 Stat. 876), of the special fund designated the "Oregon and California land-grant fund" and section 4 of the Act approved May 24, 1939 (53 Stat. 754), of the special fund designated the "Coos Bay Wagon Road grant fund": *Provided further*, That appropriations herein made may be expended on a reimbursable basis for (1) surveys of lands other than those under the jurisdiction of the Bureau of Land Management and (2) protection and leasing of lands and mineral resources for the State of Alaska.

BUREAU OF INDIAN AFFAIRS

EDUCATION AND WELFARE SERVICES

For expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment (in advance or from date of admission), of care, tuition, assistance, and other expenses of Indians in boarding homes, institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order, and payment of rewards for information or evidence concerning violations of law on Indian reservations or lands; and operation of Indian arts and crafts shops; \$140,693,000.

RESOURCES MANAGEMENT

For expenses necessary for management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; and development of Indian arts and crafts, as authorized by law; \$50,240,000.

CONSTRUCTION

For construction, major repair, and improvement of irrigation and power systems, buildings, utilities, and other facilities; acquisition of lands and interests in lands; preparation of lands for farming; and architectural and engineering services by contract; \$25,471,000, to remain available until expended: *Provided*, That no part of the sum herein appropriated shall be used for the acquisition of land within

the States of Arizona, California, Colorado, New Mexico, South Dakota, and Utah outside of the boundaries of existing Indian reservations except lands authorized by law to be acquired for the Navajo Indian Irrigation Project: *Provided further*, That no part of this appropriation shall be used for the acquisition of land or water rights within the States of Nevada, Oregon, and Washington either inside or outside the boundaries of existing reservations except such lands as may be required for replacement of the Wild Horse Dam in the State of Nevada: *Provided further*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation.

ROAD CONSTRUCTION (LIQUIDATION OF CONTRACT AUTHORIZATION)

72 Stat. 906.

For liquidation of obligations incurred pursuant to authority contained in title 23, United States Code, section 203, \$18,000,000, to remain available until expended.

REVOLVING FUND FOR LOANS

77 Stat. 301;
80 Stat. 814.

For payment to the revolving fund for loans, for loans as authorized in section 1 of the Act of November 4, 1963, as amended (25 U.S.C. 70n-1), \$450,000.

GENERAL ADMINISTRATIVE EXPENSES

For expenses necessary for the general administration of the Bureau of Indian Affairs, including such expenses in field offices, \$4,767,000.

TRIBAL FUNDS

In addition to the tribal funds authorized to be expended by existing law, there is hereby appropriated \$3,000,000 from tribal funds not otherwise available for expenditure for the benefit of Indians and Indian tribes, including pay and travel expenses of employees; care, tuition, and other assistance to Indian children attending public and private schools (which may be paid in advance or from date of admission); purchase of land and improvements on land, title to which shall be taken in the name of the United States in trust for the tribe for which purchased; lease of lands and water rights; compensation and expenses of attorneys and other persons employed by Indian tribes under approved contracts; pay, travel, and other expenses of tribal officers, councils, and committees thereof, or other tribal organizations, including mileage for use of privately owned automobiles and per diem in lieu of subsistence at rates established administratively but not to exceed those applicable to civilian employees of the Government; relief of Indians, without regard to section 7 of the Act of May 27, 1930 (46 Stat. 391), including cash grants; and employment of a curator for the Osage Museum, who shall be appointed with the approval of the Osage Tribal Council and without regard to the classification laws: *Provided*, That in addition to the amount appropriated herein, tribal funds may be advanced to Indian tribes during the current fiscal year for such purposes as may be designated by

18 USC 4124
note.

the governing body of the particular tribe involved and approved by the Secretary: *Provided further*, That nothing contained in this paragraph or in any other provision of law shall be construed to authorize the expenditure of funds derived from appropriations in satisfaction of awards of the Indian Claims Commission and the Court of Claims, except for such amounts as may be necessary to pay attorney fees, expenses of litigation, and expenses of program planning, until after legislation has been enacted that sets forth the purposes for which said funds will be used: *Provided further*, That the limitations contained in the foregoing paragraph shall not apply to any judgment proceeds or other funds, revenues or receipts due the Shoshone Indian Tribe of the Wind River Reservation, Wyoming, and any such funds may be distributed to them under the provisions of the Act of May 19, 1947, as amended (61 Stat. 102, 25 U.S.C. 611-613): *Provided, however*, That no part of this appropriation or other tribal funds shall be used for the acquisition of land or water rights within the States of Nevada, Oregon, and Washington, either inside or outside the boundaries of existing Indian reservations, if such acquisition results in the property being exempted from local taxation, except as provided for by the Act of July 24, 1956 (70 Stat. 627), and by H.R. 3299, Ninetieth Congress.

72 Stat. 541.

Ante, p. 174.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans) shall be available for expenses of exhibits; purchase of not to exceed seventy-five passenger motor vehicles including seventy-two for police-type use which may exceed by \$300 each the general purchase price limitation for the current year, of which forty-six shall be for replacement only, which may be used for the transportation of Indians; advance payments for service (including services which may extend beyond the current fiscal year) under contracts executed pursuant to the Act of June 4, 1936 (25 U.S.C. 452), the Act of August 3, 1956 (70 Stat. 986), and legislation terminating Federal supervision over certain Indian tribes; and expenses required by continuing or permanent treaty provisions.

49 Stat. 1458.

25 USC 309,
309a.

BUREAU OF OUTDOOR RECREATION

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Outdoor Recreation, not otherwise provided for, \$3,915,000: *Provided*, That not to exceed \$225,000 of the unobligated balance remaining on June 30, 1968, of the appropriation granted under this head in the Department of the Interior and Related Agencies Appropriation Act, 1968, for printing the Nationwide Outdoor Recreation Plan shall continue available until June 30, 1969.

81 Stat. 62.

LAND AND WATER CONSERVATION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), including \$2,775,000 for administrative expenses of the Bureau of Outdoor Recreation during the current fiscal year, and acquisition of land or waters, or interests therein, in accordance with the statutory authority applicable to the State or Federal agency concerned, to be derived from the Land and Water Conservation Fund, established by section 2 of said Act, and to remain available until expended, not to exceed \$90,000,000, of which (1) not to exceed \$45,000,000 shall be available for payments to the States to be matched by the individual States with

16 USC 460l-4
note.Ante, pp. 354,
355.

an equal amount; (2) not to exceed \$28,475,000 shall be available to the National Park Service, of which \$106,018.69 shall be payable to the State of Washington to compensate the State for its loss of timber-cutting rights in the Queets Corridor of the Olympic National Park; (3) not to exceed \$12,000,000 shall be available to the Forest Service; (4) not to exceed \$750,000 shall be available to the Bureau of Sport Fisheries and Wildlife; and (5) not to exceed \$1,000,000 shall be available to the Bureau of Outdoor Recreation for supplemental allocations to the above agencies: *Provided*, That in the event the receipts available in the Land and Water Conservation Fund are insufficient to provide the full amounts specified herein, the amounts available under clauses (1) through (4) shall be reduced proportionately.

OFFICE OF TERRITORIES

ADMINISTRATION OF TERRITORIES

For expenses necessary for the administration of Territories and for the departmental administration of the Trust Territory of the Pacific Islands, under the jurisdiction of the Department of the Interior, including expenses of the offices of the Governors of Guam and American Samoa, as authorized by law (48 U.S.C., secs. 1422, 1661 (c)); salaries of the Governor of the Virgin Islands, the Government Secretary, the Government Comptroller, and the members of the immediate staffs as authorized by law (48 U.S.C. 1591, 72 Stat. 1095); compensation and mileage of members of the legislature in American Samoa as authorized by law (48 U.S.C. sec. 1661 (c)); compensation and expenses of the judiciary in American Samoa as authorized by law (48 U.S.C. 1661 (c)); grants to American Samoa, in addition to current local revenues, for support of governmental functions; loans and grants to Guam, as authorized by law (Public Law 88-170); and personal services, household equipment and furnishings, and utilities necessary in the operation of the houses of the Governors of Guam and American Samoa; \$13,747,000, to remain available until expended: *Provided*, That the Territorial and local government herein provided for are authorized to make purchases through the General Services Administration: *Provided further*, That appropriations available for the administration of Territories may be expended for the purchase, charter, maintenance, and operation of aircraft and surface vessels for official purposes and for commercial transportation purposes found by the Secretary to be necessary.

TRUST TERRITORY OF THE PACIFIC ISLANDS

For expenses necessary for the Department of the Interior in administration of the Trust Territory of the Pacific Islands pursuant to the Trusteeship Agreement approved by joint resolution of July 18, 1947 (61 Stat. 397), and the Act of June 30, 1954 (68 Stat. 330), as amended (76 Stat. 171), including the expenses of the High Commissioner of the Trust Territory of the Pacific Islands; compensation and expenses of the Judiciary of the Trust Territory of the Pacific Islands; grants to the Trust Territory of the Pacific Islands in addition to local revenues, for support of governmental functions; \$30,000,000, to remain available until expended: *Provided*, That all financial transactions of the Trust Territory, including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory, shall be audited by the General Accounting Office in accordance with the

64 Stat. 386;
45 Stat. 1253.
68 Stat. 503.
48 USC 1641.

77 Stat. 302.

61 Stat. 3301.
81 Stat. 15.
48 USC 1681
and notes.

provisions of the Budget and Accounting Act, 1921 (42 Stat. 23), as amended, and the Accounting and Auditing Act of 1950 (64 Stat. 834): *Provided further*, That the government of the Trust Territory of the Pacific Islands is authorized to make purchases through the General Services Administration: *Provided further*, That appropriations available for the administration of the Trust Territory of the Pacific Islands may be expended for the purchase, charter, maintenance, and operation of aircraft and surface vessels for official purposes and for commercial transportation purposes found by the Secretary to be necessary in carrying out the provisions of article 6(2) of the Trusteeship Agreement approved by Congress.

31 USC 1.

31 USC 65 note.

61 Stat. 3302.

MINERAL RESOURCES

GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the Geological Survey to perform surveys, investigations, and research covering topography, geology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by law (72 Stat. 837 and 76 Stat. 427); classify lands as to mineral character and water and power resources; give engineering supervision to power permits and Federal Power Commission licenses; enforce departmental regulations applicable to oil, gas, and other mining leases, permits, licenses, and operating contracts; control the interstate shipment of contraband oil as required by law (15 U.S.C. 715); administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; \$88,675,000, of which \$14,780,000 shall be available only for cooperation with States or municipalities for water resources investigations, and \$250,000 shall remain available until expended, to provide financial assistance to participants in minerals exploration projects, as authorized by law (30 U.S.C. 641-646), including administration of contracts entered into prior to June 30, 1958, under section 303 of the Defense Production Act of 1950, as amended: *Provided*, That no part of this appropriation shall be used to pay more than one-half the cost of any topographic mapping or water resources investigations carried on in cooperation with any State or municipality.

43 USC 31.

49 Stat. 30.

72 Stat. 700.

65 Stat. 133.
50 USC app.
2093.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the Geological Survey shall be available for purchase of not to exceed forty-six passenger motor vehicles, for replacement only; purchase of two aircraft; reimbursement of the General Services Administration for security guard service for protection of confidential files; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gaging stations and observation wells; expenses of U.S. National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts.

BUREAU OF MINES

CONSERVATION AND DEVELOPMENT OF MINERAL RESOURCES

For expenses necessary for promoting the conservation, exploration, development, production, and utilization of mineral resources, including fuels, in the United States, its Territories, and possessions; and developing synthetics and substitutes; \$36,818,000.

HEALTH AND SAFETY

For expenses necessary for promotion of health and safety in mines and in the minerals industries, and controlling fires in coal deposits, as authorized by law; \$11,237,000.

SOLID WASTE DISPOSAL

For expenses necessary to carry out the functions of the Secretary of the Interior under the Solid Waste Disposal Act, \$1,917,000, to remain available until expended.

79 Stat. 997.
42 USC 3251
note.

GENERAL ADMINISTRATIVE EXPENSES

For expenses necessary for general administration of the Bureau of Mines; \$1,577,000.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the Bureau of Mines may be expended for purchase of not to exceed forty-nine passenger motor vehicles for replacement only; purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work: *Provided*, That the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided further*, That the Bureau of Mines is authorized during the current fiscal year, to sell directly or through any Government agency, including corporations, any metal or mineral product that may be manufactured in pilot plants operated by the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts.

HELIUM FUND

The Secretary is authorized to borrow from the Treasury for payment to the helium production fund pursuant to section 12(a) of the Helium Act Amendments of 1960 to carry out the provisions of the Act and contractual obligations thereunder, including helium purchases, to remain available without fiscal year limitation, \$16,200,000, in addition to amounts heretofore authorized to be borrowed.

74 Stat. 923.
50 USC 167j.

OFFICE OF COAL RESEARCH

SALARIES AND EXPENSES

For necessary expenses to encourage and stimulate the production and conservation of coal in the United States through research and development, as authorized by law (74 Stat. 337), \$13,700,000, to remain available until expended, of which not to exceed \$393,000 shall be available for administration and supervision.

30 USC 661-
668.

OFFICE OF OIL AND GAS

SALARIES AND EXPENSES

For necessary expenses to enable the Secretary to discharge his responsibilities with respect to oil and gas; including cooperation with the petroleum industry and State authorities in the production, processing, and utilization of petroleum and its products, and natural gas, \$818,900.

BUREAU OF COMMERCIAL FISHERIES

MANAGEMENT AND INVESTIGATIONS OF RESOURCES

For expenses necessary for scientific and economic studies, conservation, management, investigation, protection, and utilization of commercial fishery resources, including whales, sea lions, and related aquatic plants and products; collection, compilation, and publication of information concerning such resources; promotion of education and training of fishery personnel; and the performance of other functions related thereto, as authorized by law; \$24,597,000: *Provided*, That \$720,000 for fish and wildlife pesticides studies shall be available only upon the enactment into law of H.R. 15979, Ninetieth Congress, or similar legislation.

Ante, p. 338.

MANAGEMENT AND INVESTIGATIONS OF RESOURCES (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department shall determine to be excess to the normal requirements of the United States, for necessary expenses of the Bureau of Commercial Fisheries, as authorized by law, \$15,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations to such agency, for payments in the foregoing currencies.

CONSTRUCTION OF FISHING VESSELS

For expenses necessary to carry out the provisions of the Act of June 12, 1960 (74 Stat. 212), as amended by the Act of August 30, 1964 (78 Stat. 614), to assist in the construction of fishing vessels, \$6,000,000, to remain available until expended.

46 USC 1401
note.

FEDERAL AID FOR COMMERCIAL FISHERIES

RESEARCH AND DEVELOPMENT

For expenses necessary to carry out the provisions of the Commercial Fisheries Research and Development Act of 1964 (78 Stat. 197), \$4,319,000, of which not to exceed \$219,000, shall be available for program administration: *Provided*, That the sum of \$4,100,000 available for apportionment to the States pursuant to section 5(a) of the Act shall remain available until the close of the fiscal year following the year for which appropriated.

16 USC 779
note.

ANADROMOUS AND GREAT LAKES FISHERIES

CONSERVATION

For expenses necessary to carry out the provisions of the Act of October 30, 1965 (79 Stat. 1125), \$2,300,000.

16 USC 757a-
757f.

GENERAL ADMINISTRATIVE EXPENSES

For expenses necessary for general administration of the Bureau of Commercial Fisheries, including such expenses in the regional offices, \$720,000.

ADMINISTRATION OF PRIBILOF ISLANDS

16 USC 1151
note.

For carrying out the provisions of the Act of November 2, 1966 (80 Stat. 1091-1099), there are appropriated amounts not to exceed \$2,633,400, to be derived from the Pribilof Islands fund.

LIMITATION ON ADMINISTRATIVE EXPENSES—FISHERIES LOAN FUND

During the current fiscal year not to exceed \$347,200 of the Fisheries loan fund shall be available for administrative expenses.

ADMINISTRATIVE PROVISIONS

34 Stat. 690.

Appropriations and funds available to the Bureau of Commercial Fisheries shall be available for purchase of not to exceed nineteen passenger motor vehicles, of which seventeen shall be for replacement only (including one for police-type use which may exceed by \$300 the general purchase price limitation for the current fiscal year); publication and distribution of bulletins as authorized by law (7 U.S.C. 417); rations or commutation of rations for officers and crews of vessels at rates not to exceed \$6.50 per man per day; options for the purchase of land at not to exceed \$1 for each option; and maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Bureau of Commercial Fisheries to which the United States has title, and which are utilized pursuant to law in connection with management and investigations of fishery resources.

BUREAU OF SPORT FISHERIES AND WILDLIFE

MANAGEMENT AND INVESTIGATIONS OF RESOURCES

Ante, p. 338.

For expenses necessary for scientific and economic studies, conservation, management, investigation, protection, and utilization of sport fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; operation of the industrial properties within the Crab Orchard National Wildlife Refuge (61 Stat. 770); and maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge; \$45,893,000: *Provided*, That \$2,329,000 for fish and wildlife pesticides studies shall be available only upon the enactment into law of H.R. 15979, Ninetieth Congress, or similar legislation.

CONSTRUCTION

For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of sport fishery and wildlife resources, and the acquisition of lands and interests therein, \$1,491,000, to remain available until expended.

MIGRATORY BIRD CONSERVATION ACCOUNT

For an advance to the migratory bird conservation account, as authorized by the Act of October 4, 1961, as amended (16 U.S.C. 715k-3, 5; 81 Stat. 612), \$7,500,000, to remain available until expended.

ANADROMOUS AND GREAT LAKES FISHERIES CONSERVATION

For expenses necessary to carry out the provisions of the Act of October 30, 1965 (79 Stat. 1125), \$2,285,000.

16 USC 757a-757f.

GENERAL ADMINISTRATIVE EXPENSES

For expenses necessary for general administration of the Bureau of Sport Fisheries and Wildlife, including such expenses in the regional offices, \$1,617,000.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the Bureau of Sport Fisheries and Wildlife shall be available for purchase of not to exceed one hundred and nineteen passenger motor vehicles, of which one hundred and ten are for replacement only (including fifty-seven for police-type use which may exceed by \$300 each the general purchase price limitation for the current fiscal year); purchase of not to exceed four aircraft, for replacement only; not to exceed \$50,000 for payment, in the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau of Sport Fisheries and Wildlife; publication and distribution of bulletins as authorized by law (7 U.S.C. 417); rations or commutation of rations for officers and crews of vessels at rates not to exceed \$6.50 per man per day; insurance on official motor vehicles, aircraft and boats operated by the Bureau of Sport Fisheries and Wildlife in foreign countries; repair of damage to public roads within and adjacent to reservation areas caused by operations of the Bureau of Sport Fisheries and Wildlife, options for the purchase of land at not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are not inconsistent with their primary purposes; and the maintenance and improvement of aquaria, buildings and other facilities under the jurisdiction of the Bureau of Sport Fisheries and Wildlife and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources.

34 Stat. 690.

NATIONAL PARK SERVICE

MANAGEMENT AND PROTECTION

For expenses necessary for the management and protection of the areas and facilities administered by the National Park Service, including protection of lands in process of condemnation; plans, investigations, and studies of the recreational resources (exclusive of preparation of detail plans and working drawings) and archeological values in river basins of the United States (except the Missouri River Basin); and not to exceed \$88,000 for the Roosevelt Campobello International Park Commission, \$43,049,000.

MAINTENANCE AND REHABILITATION OF PHYSICAL FACILITIES

For expenses necessary for the operation, maintenance, and rehabilitation of roads (including furnishing special road maintenance service to trucking permittees on a reimbursable basis), trails, buildings, utilities, and other physical facilities essential to the operation of areas administered pursuant to law by the National Park Service, \$32,125,000.

CONSTRUCTION

37 Stat. 460;
54 Stat. 36.

For construction and improvement, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), of buildings, utilities, and other physical facilities; the repair or replacement of roads, trails, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, or storm, or the construction of projects deferred by reason of the use of funds for such purposes; and the acquisition of water rights; \$4,368,000, to remain available until expended.

PARKWAY AND ROAD CONSTRUCTION (LIQUIDATION OF CONTRACT AUTHORIZATION)

72 Stat. 906.

For liquidation of obligations incurred pursuant to authority contained in title 23, United States Code, section 203, \$17,000,000, to remain available until expended: *Provided*, That none of the funds herein provided shall be expended for planning or construction on the following: Fort Washington and Greenbelt Park, Maryland, and Great Falls Park, Virginia, except minor roads and trails; and Daingerfield Island Marina, Virginia, and extension of the George Washington Memorial Parkway from vicinity of Brickyard Road to Great Falls, Maryland, or in Prince Georges County, Maryland.

PRESERVATION OF HISTORIC PROPERTIES

16 USC 470-
470m.

For expenses necessary in carrying out a program for the preservation of additional historic properties throughout the Nation, as authorized by law (80 Stat. 915), \$583,000, to remain available until expended.

GENERAL ADMINISTRATIVE EXPENSES

For expenses necessary for general administration of the National Park Service, including such expenses in the regional offices, \$2,941,000.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed one hundred and thirty-five passenger motor vehicles of which one hundred and twenty-six shall be for replacement only, including not to exceed eighty-three for police-type use which may exceed by \$300 each the general purchase price limitation for the current fiscal year.

OFFICE OF SALINE WATER

SALINE WATER CONVERSION

75 Stat. 628;
81 Stat. 78.

For expenses necessary to carry out the provisions of the Act of July 3, 1952, as amended (42 U.S.C. 1951 et seq.), authorizing studies for the conversion of saline water for beneficial consumptive uses, including not to exceed \$1,815,000 for administration and coordination expenses during the current fiscal year, \$24,556,000, to remain available until expended: *Provided*, That the unexpended balances of the appropriations to the Office of Saline Water for "Salaries and expenses" and "Operation and maintenance" shall be merged with this appropriation.

PROTOTYPE DESALTING PLANT

For participation in the construction, operation, and maintenance of a large prototype desalting plant in southern California, as authorized by law (Public Law 90-18), \$1,000,000, to remain available until expended.

81 Stat. 16.

OFFICE OF WATER RESOURCES RESEARCH

SALARIES AND EXPENSES

For expenses necessary in carrying the provisions of the Water Resources Research Act of 1964, as amended (42 U.S.C. 1961-1961c-7), \$11,150,000, of which not to exceed \$550,000 shall be available for administrative expenses.

78 Stat. 329;
80 Stat. 129, 130.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, \$5,385,000, and in addition, not to exceed \$152,000 may be reimbursed or transferred to this appropriation from other accounts available to the Department of the Interior.

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of the Interior, including teletype rentals and service; purchase of two passenger motor vehicles, of which one shall be for replacement only, and not to exceed \$2,000 for official reception and representation expenses, \$8,801,000.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

Emergency reconstruction.

SEC. 102. The Secretary may authorize the expenditure or transfer (within each bureau or office) of any appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior: *Provided*, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof.

Forest or range fires.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or

Operation of warehouses, etc.

47 Stat. 417.

Employment of
experts, etc.

Post, p. 705.

80 Stat. 416.

Uniforms or
allowances.

80 Stat. 508;

81 Stat. 206.

43 Stat. 175.

economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of June 30, 1932 (31 U.S.C. 686): *Provided*, That reimbursements for costs of supplies, materials and equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title or in the Public Works and Atomic Energy Commission Appropriation Act, 1969, shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed \$300,000; hire, maintenance and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST PROTECTION AND UTILIZATION

For expenses necessary for forest protection and utilization, as follows:

Forest land management: For necessary expenses of the Forest Service, not otherwise provided for, including the administration, improvement, development, and management of lands under Forest Service administration, fighting and preventing forest fires on or threatening such lands and for liquidation of obligations incurred in the preceding fiscal year for such purposes, control of white pine blister rust and other forest diseases and insects on Federal and non-Federal lands; \$184,444,000, of which \$4,275,000 for fighting and preventing forest fires and \$1,910,000 for insect and disease control shall be apportioned for use, pursuant to section 3679 of the Revised Statutes, as amended, to the extent necessary under the then existing conditions: *Provided*, That not more than \$1,300,000 of this appropriation may be used for acquisition of land under the Act of March 1, 1911, as amended (16 U.S.C. 513-519): *Provided further*, That funds appropriated for "Cooperative range improvements", pursuant to section 12 of the Act of April 24, 1950 (16 U.S.C. 580h), may be advanced to this appropriation.

Forest research: For forest research at forest and range experiment stations, the Forest Products Laboratory, or elsewhere, as authorized by law; \$38,866,000.

State and private forestry cooperation: For cooperation with States in forest-fire prevention and suppression, in forest tree planting on non-Federal public and private lands, and in forest management and processing, and for advising timberland owners, associations, wood-using industries, and others in the application of forest management principles and processing of forest products, as authorized by law; \$19,833,000.

31 USC 665.

36 Stat. 962.

64 Stat. 85.

FOREST ROADS AND TRAILS (LIQUIDATION OF CONTRACT AUTHORIZATION)

For expenses necessary for carrying out the provisions of title 23, United States Code, sections 203 and 205, relating to the construction and maintenance of forest development roads and trails, \$91,000,000, to remain available until expended, for liquidation of obligations incurred pursuant to authority contained in title 23, United States Code, section 203: *Provided*, That funds available under the Act of March 4, 1913 (16 U.S.C. 501), shall be merged with and made a part of this appropriation: *Provided further*, That not less than the amount made available under the provisions of the Act of March 4, 1913, shall be expended under the provisions of such Act.

72 Stat. 906.

37 Stat. 843.

ACQUISITION OF LANDS FOR NATIONAL FORESTS

SPECIAL ACTS

For acquisition of land to facilitate the control of soil erosion and flood damage originating within the exterior boundaries of the following national forests, in accordance with the provisions of the following Acts, authorizing annual appropriations of forest receipts for such purposes, and in not to exceed the following amounts from such receipts, Cache National Forest, Utah, Act of May 11, 1938 (52 Stat. 347), as amended, \$20,000; Uinta and Wasatch National Forests, Utah, Act of August 26, 1935 (49 Stat. 866), as amended, \$20,000; Toiyabe National Forest, Nevada, Act of June 25, 1938 (52 Stat. 1205), as amended, \$8,000; Angeles National Forest, California, Act of June 11, 1940 (54 Stat. 299), \$32,000; in all, \$80,000: *Provided*, That no part of this appropriation shall be used for acquisition of any land which is not within the boundaries of the national forests and/or for the acquisition of any land without the approval of the local government concerned.

58 Stat. 227.

COOPERATIVE RANGE IMPROVEMENTS

For artificial revegetation, construction, and maintenance of range improvements, control of rodents, and eradication of poisonous and noxious plants on national forests in accordance with section 12 of the Act of April 24, 1950 (16 U.S.C. 580h), to be derived from grazing fees as authorized by said section, \$700,000, to remain available until expended.

64 Stat. 85.

ASSISTANCE TO STATES FOR TREE PLANTING

For expenses necessary to carry out section 401 of the Agricultural Act of 1956, approved May 28, 1956 (16 U.S.C. 568e), \$1,000,000, to remain available until expended.

70 Stat. 207.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed two hundred and twenty-five passenger motor vehicles of which one hundred and sixty shall be for replacement only, and hire of such vehicles; operation and maintenance of aircraft and the purchase of not to exceed four for replacement only; (b) employment pursuant to the second

7 USC 2225.

80 Stat. 416.

80 Stat. 508;

81 Stat. 206.

7 USC 2250.

36 Stat. 963.

70 Stat. 1034.

sentence of section 706(a) of the Organic Act of 1944 (58 Stat. 742), and not to exceed \$25,000 for employment under 5 U.S.C. 3109; (c) uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901; 80 Stat. 299); (d) purchase, erection, and alteration of buildings and other public improvements (58 Stat. 742); (e) expenses of the National Forest Reservation Commission as authorized by section 14 of the Act of March 1, 1911 (16 U.S.C. 514); and (f) acquisition of land and interests therein for sites for administrative purposes, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a).

Except to provide materials required in or incident to research or experimental work where no suitable domestic product is available, no part of the funds appropriated to the Forest Service shall be expended in the purchase of twine manufactured from commodities or materials produced outside of the United States.

36 Stat. 962.

Funds appropriated under this Act shall not be used for acquisition of forest lands under the provisions of the Act approved March 1, 1911, as amended (16 U.S.C. 513-519, 521), where such land is not within the boundaries of an established national forest or purchase unit.

FEDERAL COAL MINE SAFETY BOARD OF REVIEW

SALARIES AND EXPENSES

For necessary expenses of the Federal Coal Mine Safety Board of Review, including services as authorized by 5 U.S.C. 3109, \$157,000.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

36 Stat. 371.

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), including payment of actual traveling expenses of the members and secretary of the Commission in attending meetings and Committee meetings of the Commission either within or outside the District of Columbia, to be disbursed on vouchers approved by the Commission, \$115,000.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, PUBLIC HEALTH SERVICE

INDIAN HEALTH ACTIVITIES

42 USC 2001-2004a.

58 Stat. 691;

81 Stat. 539.

42 USC 241,

243, 248, 249,

251, 254a, 227.

25 USC 891

note.

For expenses necessary to enable the Surgeon General to carry out the purposes of the Act of August 5, 1954 (68 Stat. 674), as amended; purchase of not to exceed nine passenger motor vehicles for replacement only; hire of passenger motor vehicles and aircraft; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the purposes set forth in sections 301 (with respect to research conducted at facilities financed by this appropriation), 311, 321, 322(d), 324, 328, and 509 of the Public Health Service Act; \$90,860,000, of which \$350,000 shall be available for payments on account of the Menominee Indian people as authorized by section 1 of the Act of October 14, 1966 (80 Stat. 903).

CONSTRUCTION OF INDIAN HEALTH FACILITIES

For construction, major repair, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites; purchase and erection of portable buildings; purchase of trailers; and provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a); \$14,100,000 to remain available until expended.

73 Stat. 267.

ADMINISTRATIVE PROVISIONS, PUBLIC HEALTH SERVICE

Appropriations contained in this Act, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109.

80 Stat. 416.

SEC. 1002. Appropriations contained in this Act available for salaries and expenses shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

80 Stat. 508;

81 Stat. 206.

SEC. 1003. Appropriations contained in this Act available for salaries and expenses shall be available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

INDIAN CLAIMS COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the purposes of the Act of August 13, 1946 (25 U.S.C. 70), as amended (81 Stat. 11), creating an Indian Claims Commission, \$619,000, of which not to exceed \$20,000 shall be available for expenses of travel.

60 Stat. 1049.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); \$1,017,000: *Provided*, That none of the funds provided herein shall be used for foreign travel.

66 Stat. 781.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

SALARIES AND EXPENSES

For expenses necessary to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$10,500,000, of which \$5,400,000 shall be available until expended to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups, individuals, and States pursuant to sections 5(c) and 5(h) of the Act and for support of the functions of the National Council on the Arts set forth in Public Law 88–579; \$3,700,000 shall be available until expended to the National Endowment

79 Stat. 845.
20 USC 951
note.78 Stat. 905.
20 USC 781
note.

79 Stat. 850.
20 USC 956.

20 USC 960.

20 USC 959.

20 USC 954.
78 Stat. 905.
20 USC 781
note.

for the Humanities for support of activities in the humanities pursuant to section 7(c) of the Act; and \$1,400,000 shall be available for administering the provisions of the Act: *Provided*, That in addition, there is appropriated in accordance with the authorization contained in section 11(b) of the Act, to remain available until expended, amounts equal to the total amounts of gifts, bequests, and devises of money, and other property received by each Endowment during the current fiscal year, under the provisions of section 10(a)(2) of the Act, but not to exceed a total of \$1,000,000: *Provided further*, That not to exceed 3 percent of the funds appropriated to the National Endowment for the Arts for the purposes of sections 5(c), 5(h) and functions under Public Law 88-579 and not to exceed 3 percent of the funds appropriated to the National Endowment for the Humanities for the purposes of section 7(c) shall be available for program development and evaluation.

PUBLIC LAND LAW REVIEW COMMISSION

SALARIES AND EXPENSES

78 Stat. 982.
43 USC 1391-
1400.
80 Stat. 416.

For necessary expenses of the Public Land Law Review Commission, established by Public Law 88-606, approved September 19, 1964, including services as authorized by 5 U.S.C. 3109, and not to exceed \$750 for official reception and representation expenses, \$944,000, to remain available until expended.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

80 Stat. 508;
81 Stat. 206.

For necessary expenses of the Smithsonian Institution, including research; preservation, exhibition, and increase of collections from Government and other sources; international exchanges; anthropological research; maintenance of the Astrophysical Observatory and making necessary observations in high altitudes; administration of the National Collection of Fine Arts and the National Portrait Gallery; including not to exceed \$35,000 for services as authorized by 5 U.S.C. 3109; purchase, repair, and cleaning of uniforms for guards and elevator operators, and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), for other employees; repairs and alterations of buildings and approaches; and preparation of manuscripts, drawings, and illustrations for publications; \$25,748,000.

MUSEUM PROGRAMS AND RELATED RESEARCH (SPECIAL FOREIGN CURRENCY PROGRAM)

80 Stat. 1529.

For payments in foreign currencies which the Treasury Department shall determine to be excess to the normal requirements of the United States, for necessary expenses for carrying out museum programs and related research in the natural sciences and cultural history under the provisions of section 104(b)(3) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(b)(3)), \$2,316,000, to remain available until expended and to be available only to United States institutions: *Provided*, That this appropriation shall

be available, in addition to other appropriations to the Smithsonian Institution, for payments in the foregoing currencies.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, \$300,000, to remain available until expended.

RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of restoration and renovation of buildings owned or occupied by the Smithsonian Institution, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed \$10,000 for services as authorized by 5 U.S.C. 3109, \$400,000, to remain available until expended.

20 USC 53a.
80 Stat. 416.

CONSTRUCTION

For an additional amount for necessary expenses of the preparation of plans and specifications and for the construction of the Joseph H. Hirshhorn Museum and Sculpture Garden, \$2,000,000, to remain available until expended: *Provided*, That such sums as are necessary may be transferred to the General Services Administration for execution of the work: *Provided further*, That the Administrator of the General Services Administration is authorized to enter into contracts in an amount not to exceed \$14,197,000 for the purposes hereof.

SALARIES AND EXPENSES, NATIONAL GALLERY OF ART

For the upkeep and operation of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards and elevator operators and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901-5902); purchase, or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and not to exceed \$20,000 for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper; \$3,200,000.

53 Stat. 577.
20 USC 71-74,
75.

80 Stat. 508;
81 Stat. 206.

EXECUTIVE OFFICE OF THE PRESIDENT

NATIONAL COUNCIL ON MARINE RESOURCES AND ENGINEERING DEVELOPMENT, AND COMMISSION ON MARINE SCIENCE, ENGINEERING, AND RESOURCES

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Marine Resources and Engineering Development Act of 1966 (Public Law 89-454, approved June 17, 1966), including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$1,300,000.

80 Stat. 203;
81 Stat. 780.
33 USC 1101
note.
80 Stat. 416.

FEDERAL FIELD COMMITTEE FOR DEVELOPMENT PLANNING IN ALASKA

SALARIES AND EXPENSES

For necessary expenses of the Federal Field Committee for Development Planning in Alaska, established by Executive Order 11182 of October 2, 1964, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, \$235,000.

3 CFR 1964
Supp., p. 194.

LEWIS AND CLARK TRAIL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Lewis and Clark Trail Commission, established by Public Law 88-630, approved October 6, 1964, including services as authorized by 5 U.S.C. 3109, \$25,000.

78 Stat. 1005;
80 Stat. 229.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

FEDERAL CONTRIBUTION

To enable the Department of Housing and Urban Development to pay the Washington Metropolitan Area Transit Authority, as part of the Federal contribution toward expenses necessary to design, engineer, construct, and equip a rail rapid transit system, as authorized by the National Capital Transportation Act of 1965, as amended (79 Stat. 663; 80 Stat. 1352; 81 Stat. 670), including acquisition of rights-of-way, land and interests therein, \$43,772,000, to remain available until expended.

40 USC 681
note.

GENERAL PROVISIONS, RELATED AGENCIES

SEC. 201. The per diem rate paid from appropriations made available under this title for services as authorized by 5 U.S.C. 3109 or other law, shall not exceed \$92.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 302. None of the funds in this Act shall be available to finance interdepartmental boards, commissions, councils, committees, or similar groups under section 214 of the Independent Offices Appropria-

tion Act, 1946 (31 U.S.C. 691) which do not have prior and specific congressional approval of such method of financial support.

59 Stat. 134.

SEC. 303. No part of the funds appropriated by this Act shall be used to pay the salary of any Federal employee who is convicted in any Federal, State, or local court of competent jurisdiction, of inciting, promoting, or carrying on a riot, or any group activity resulting in material damage to property or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned.

Payments to convicted rioters.

This Act may be cited as the "Department of the Interior and Related Agencies Appropriation Act, 1969."

Short title.

Approved July 26, 1968.

Public Law 90-426

AN ACT

To extend the expiration date of the Act of September 19, 1966.

July 26, 1968
[H. R. 15562]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to amend the Consolidated Farmers Home Administration Act of 1961 to authorize loans by the Secretary of Agriculture on leasehold interests in Hawaii, and for other purposes", approved September 19, 1966 (80 Stat. 809), is amended by striking out "June 30, 1968" and inserting in lieu thereof "June 30, 1970".

Hawaii.
Farm loans on
leased lands.

7 USC 1991 and
note.

Approved July 26, 1968.

Public Law 90-427

AN ACT

To amend the Act prohibiting fishing in the territorial waters of the United States and in certain other areas by vessels other than vessels of the United States and by persons in charge of such vessels.

July 26, 1968
[S. 1752]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to prohibit fishing in the territorial waters of the United States and in certain other areas by vessels other than vessels of the United States and by persons in charge of such vessels," approved May 20, 1964 (78 Stat. 194), is amended by replacing the first sentence of section 1 with the following: "That it is unlawful for any vessel, except a vessel of the United States, or for any master or other person in charge of such a vessel, to engage in the fisheries within the territorial waters of the United States, its territories and possessions and the Commonwealth of Puerto Rico, or within any waters in which the United States has the same rights in respect to fisheries as it has in its territorial waters or in such waters to engage in activities in support of a foreign fishery fleet or to engage in the taking of any Continental Shelf fishery resource which appertains to the United States except as provided in this Act or as expressly provided by an international agreement to which the United States is a party."

Foreign vessels
in contiguous
fishery zone.
Support activi-
ties, prohibition.

16 USC 1081.

Approved July 26, 1968.

Public Law 90-428

July 26, 1968
[S. 1418]

AN ACT

To make several changes in the passport laws presently in force.

Passport laws.
Changes.
47 Stat. 157.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of July 3, 1926, as amended (22 U.S.C. 217a), is amended to read as follows:

"SEC. 2. The validity of the passport shall be limited to a period of not more than five years. The Secretary of State may limit a passport to a shorter period. A valid passport outstanding as of the effective date of this Act shall be valid for a period of five years from the date of issue except where such passport is or has been limited by the Secretary of State to a shorter period."

Fees.
41 Stat. 750;
70 Stat. 11.

SEC. 2. Section 1 of the Act of June 4, 1920, as amended (22 U.S.C. 214), is amended to read as follows:

"There shall be collected and paid into the Treasury of the United States quarterly a fee of \$2 for executing each application for a passport and \$10 for each passport issued: *Provided*, That nothing herein contained shall be construed to limit the right of the Secretary of State by regulation to authorize State officials to collect and retain the execution fee of \$2. No passport fee shall be collected from an officer or employee of the United States proceeding abroad in the discharge of official duties, or from members of his immediate family; from an American seaman who requires a passport in connection with his duties aboard an American flag-vessel; or from a widow, child, parent, brother, or sister of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member. No execution fee shall be collected for an application made before a Federal official by a person excused from payment of the passport fee under this section."

Application.
40 Stat. 227.

SEC. 3. Section 1 of title IX of the Act of June 15, 1917 (22 U.S.C. 213), is amended to read as follows:

"SECTION 1. Before a passport is issued to any person by or under authority of the United States such person shall subscribe to and submit a written application which shall contain a true recital of each and every matter of fact which may be required by law or by any rules authorized by law to be stated as a prerequisite to the issuance of any such passport. If the applicant has not previously been issued a United States passport, the application shall be duly verified by his oath before a person authorized and empowered by the Secretary of State to administer oaths."

Effective date.

SEC. 4. This Act shall take effect on the thirtieth day following the date of its enactment.

Approved July 26, 1968.

Public Law 90-429

July 26, 1968
[H. R. 7481]

AN ACT

To amend section 620, title 38, United States Code, to authorize payment of a higher proportion of hospital costs in establishing amounts payable for nursing home care of certain veterans.

Veterans.
Nursing home
care.
78 Stat. 500.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (2) of section 620(a) of title 38, United States Code, is amended by striking "one-third" and inserting in lieu thereof "40 per centum".

Approved July 26, 1968.

Public Law 90-430

AN ACT

July 26, 1968
[H. R. 272]

To extend the period during which amounts transferred from the employment security administration account in the unemployment trust fund to State accounts may be used by the States for payment of expenses of administration.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 903 (c) (2) of the Social Security Act (42 U.S.C., sec. 1103(c) (2)) is amended—

Social Security
Act, amendment.
74 Stat. 974;
77 Stat. 51.

(1) by striking out “nine preceding fiscal years,” in subparagraph (D) of the first sentence and inserting in lieu thereof “fourteen preceding fiscal years;”;

(2) by striking out “such ten fiscal years” in subparagraph (D) of the first sentence and inserting in lieu thereof “such fifteen fiscal years”; and

(3) by striking out “ninth preceding fiscal year” in the second sentence and inserting in lieu thereof “fourteenth preceding fiscal year”.

Approved July 26, 1968.

Public Law 90-431

AN ACT

July 26, 1968
[H. R. 14954]

To amend title 38 of the United States Code to improve vocational rehabilitation training for service-connected veterans by authorizing pursuit of such training on a part-time basis.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1504 of title 38, United States Code, is amended by (1) deleting in subsection (b) the table contained therein in its entirety and substituting in lieu thereof the following:

Veterans.
Part-time train-
ing.
79 Stat. 576.

“Column I	Column II	Column III	Column IV
Type of training	No dependents	One dependent	Two or more dependents
Institutional:			
Full time.....	\$110	\$150	\$175
Three quarters time.....	80	110	130
Half time.....	55	75	85
Institutional on-farm, apprentice or other on-job training: Full time.....	95	125	150”;

and (2) inserting in the first sentence following the table immediately before the word “trainee” the following: “full-time”; and (3) by inserting at the end of such section immediately after subsection (c) the following new subsection:

“(d) The Administrator shall define full-time and part-time training in the case of all eligible veterans pursuing a course of vocational rehabilitation training under this chapter.”

Approved July 26, 1968.

Public Law 90-432

July 26, 1968
[H. R. 16902]

AN ACT

To amend title 38 of the United States Code in order to promote the care and treatment of veterans in State veterans' homes.

Veterans.
Treatment in
State homes.
78 Stat. 500.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 641 of title 38, United States Code, is amended to read as follows:

"§ 641. Criteria for payment

"The Administrator shall pay each State at the per diem rate of—

"(1) \$3.50 for hospital or domiciliary care, and

"(2) \$5.00 for nursing home care,

for each veteran of any war receiving such care in a State home, if, in the case of such a veteran receiving domiciliary or hospital care, such veteran is eligible for such care in a Veterans' Administration facility, or if, in the case of such a veteran receiving nursing home care, such veteran meets the requirements of paragraph (1), (2), or (3) of section 610(a) of this title, except that the requirements of clause (B) of such paragraph (1) shall for this purpose refer to the inability to defray the expenses of necessary nursing home care; however, in no case shall the payments made with respect to any veteran under this section exceed one-half of the cost of the veteran's care in such State home."

SEC. 2. Section 5033(a) is amended by striking out "four succeeding fiscal years" and inserting in lieu thereof "nine succeeding fiscal years".

Approved July 26, 1968.

72 Stat. 1141;
76 Stat. 381.

78 Stat. 501.

Public Law 90-433

July 26, 1968
[S. 752]

AN ACT

To amend sections 203(b)(5) and 220 of the Interstate Commerce Act, as amended, and for other purposes.

Interstate Com-
merce Act, amend-
ment.
54 Stat. 921.
49 USC 303.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That at the end of section 203(b)(5) of the Interstate Commerce Act delete the semicolon and add the following language: "but any interstate transportation performed by such a cooperative association or federation of cooperative associations for nonmembers who are neither farmers, cooperative associations, nor federations thereof for compensation, except transportation otherwise exempt under this part, shall be limited to that which is incidental to its primary transportation operation and necessary for its effective performance and shall in no event exceed 15 per centum of its total interstate transportation services in any fiscal year, measured in terms of tonnage: *Provided*, That, for the purposes hereof, notwithstanding any other provision of law, transportation performed for or on behalf of the United States or any agency or instrumentality thereof shall be deemed to be transportation performed for a nonmember: *Provided further*, That any such cooperative association or federation which performs interstate transportation for nonmembers who are neither farmers, cooperative associations, nor federations thereof, except transportation otherwise exempt under this part, shall notify the Commission of its intent to perform such transportation prior to the commencement thereof: *And provided further*, That in no event shall any such cooperative association or federation which is required hereunder to give notice to the Commission transport inter-

state for compensation in any fiscal year of such association or federation a quantity of property for nonmembers which, measured in terms of tonnage, exceeds the total quantity of property transported interstate for itself and its members in such fiscal year.

SEC. 2. Section 220 of the Interstate Commerce Act, as amended, is further amended by adding the following immediately after subsection (f):

Accounts, etc.
of motor carriers,
access and in-
spection authority.
49 USC 320.

“(g) The Commission or its duly authorized special agents, accountants, or examiners shall, during normal business hours, have access to and authority, under its order, to inspect, examine, and copy any and all accounts, books, records, memorandums, correspondence, and other documents pertaining to motor vehicle transportation of a cooperative association or federation of cooperative associations which is required to give notice to the Commission pursuant to the provisions of section 203(b)(5) of this part: *Provided, however,* That the Commission shall have no authority to prescribe the form of any accounts, records, or memorandums to be maintained by a cooperative association or federation of cooperative associations.”

Approved July 26, 1968.

Public Law 90-434

AN ACT

To amend section 212(B) of the Merchant Marine Act, 1936, as amended.

July 27, 1968
[H. R. 18340]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 212(B) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1122b), is amended as follows:

Merchant Marine
Act, 1936, amend-
ment.
76 Stat. 1074;
79 Stat. 211.

(1) Subsection (a) is amended by striking out “exclusively use” and inserting in lieu thereof “use insofar as practicable”;

(2) Subsection (b) is amended by inserting after “incurred abroad” the following: “(other than the cost of transportation on foreign-flag vessels and aircraft);” and

(3) Subsection (c) is amended by striking out “1968.” and inserting in lieu thereof “1968, and not to exceed \$166,000 for the fiscal year ending June 30, 1969”.

Approved July 27, 1968.

Public Law 90-435

AN ACT

To extend until November 1, 1970, the period for compliance with certain safety standards in the case of passenger vessels operating on the inland rivers and waterways.

July 27, 1968
[S. 3102]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled “An Act to require evidence of adequate financial responsibility to pay judgments for personal injury or death, or to repay fares in the event of nonperformance of voyages, to establish minimum standards for passenger vessels and to require disclosure of construction details on passenger vessels, and for other purposes”, approved November 6, 1966 (Public Law 89-777; 80 Stat. 1356 et seq.), is amended as follows:

Passenger
vessels.
Safety stand-
ards.

46 USC 362
note.

(1) Section 4 is amended by striking the date "November 1, 1968" where appearing and inserting in lieu thereof "November 1, 1970".

(2) Section 5 is amended by striking the date "November 2, 1968" where appearing in the last sentence and inserting in lieu thereof "November 2, 1970".

Approved July 27, 1968.

Public Law 90-436

July 29, 1968
[S. 2986]

AN ACT

To extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes.

Agricultural
trade develop-
ment and assist-
ance.

80 Stat. 1537.
7 USC 1736c.
7 USC 1704.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 409 of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by striking out "December 31, 1968" and inserting in lieu thereof "December 31, 1970".

SEC. 2. (a) Section 104(h) of such Act is amended by inserting before the semicolon at the end thereof the following: ". Not less than 5 per centum of the total sales proceeds received each year shall, if requested by the foreign country, be used for voluntary programs to control population growth".

7 USC 1709.

(b) Section 109(a) of such Act is amended by striking out the word "and" at the end of clauses (7) and (8), changing the period at the end of such subsection to a semicolon, and adding the following:

"(10) carrying out voluntary programs to control population growth."

SEC. 3. Section 104(b) (2) of such Act is amended to read as follows:

"(2) finance with not less than 2 per centum of the total sales proceeds received each year in each country activities to assist international educational and cultural exchange and to provide for the strengthening of the resources of American schools, colleges, universities, and other public and nonprofit private educational agencies for international studies and research under the programs authorized by title VI of the National Defense Education Act, the Mutual Educational and Cultural Exchange Act of 1961, the International Education Act of 1966, the Higher Education Act of 1965, the Elementary and Secondary Education Act of 1965, the National Foundation on the Arts and the Humanities Act of 1965, and the Public Broadcasting Act of 1967;"

SEC. 4. Section 103(b) of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by striking out the proviso at the end thereof and substituting the following: ": *Provided*, That, except where he determines that it would be inconsistent with the objectives of the Act, the President shall determine the amount of foreign currencies needed for the uses specified in subsections (a), (b), (c), (e), and (h) of section 104, and the agreements for such credit sales shall provide for payment of such amounts in dollars or in foreign currencies upon delivery of the agricultural commodities. Such payment may be considered as an advance payment of the earliest installments."

SEC. 5. Such Act is further amended by deleting the period at the end of subsection (n) of section 103 and inserting in lieu thereof a semicolon and adding new subsections (o), (p), and (q) to section 103 as follows:

"(o) Take steps to assure that the United States obtains a fair share of any increase in commercial purchases of agricultural commodities by the purchasing country;

20 USC 511.
22 USC 2451
note; 20 USC 1171
note, 1001 note,
821 note, 951
note; 47 USC 390
note.
7 USC 1703.

“(p) Assure convertibility at such uniformly applied exchange rates as shall be agreed upon of up to 50 per centum of the foreign currencies received pursuant to each agreement by sale to United States or purchasing country contractors for payment of wages earned in the development and consummation of works of public improvement in the purchasing country; and

“(q) Assure convertibility of up to 50 per centum of the foreign currencies received pursuant to each agreement by sale to United States importers for the procurement of materials or commodities in the purchasing country.”

SEC. 6. Section 104 is amended by deleting the word “and” at the end of subsection (i) and deleting the colon after subsection (j) and inserting in lieu thereof “; and”, and adding the following new subparagraph (k):

“(k) for paying, to the maximum extent practicable, the costs of carrying out programs for the control of rodents, insects, weeds, and other animal or plant pests;”.

SEC. 7. Section 303 of the Act is amended by adding at the end thereof the following: “Barter or exchange of agricultural commodities under clause (a) of this section shall be limited to exchange for materials which originate in the country to which the surplus agricultural commodities are exported and to arrangements which will prevent resale or transshipment of the agricultural commodities to other countries.”

SEC. 8. Section 407 of the Act is amended by striking out the entire section and substituting the following:

“SEC. 407. There is hereby established an Advisory Committee composed of the Secretary of State, the Secretary of the Treasury, the Secretary of Agriculture, the Director of the Bureau of the Budget, the Administrator of the Agency for International Development, the chairman and the ranking minority member of both the House Committee on Agriculture and the House Committee on Foreign Affairs, and the chairman and the ranking minority member of both the Senate Committee on Agriculture and Forestry and the Senate Committee on Foreign Relations. The Advisory Committee shall survey the general policies relating to the administration of the Act, including the manner of implementing the self-help provisions, the uses to be made of foreign currencies which accrue in connection with sales for foreign currencies under title I, the amount of currencies to be reserved in sales agreements for loans to private industry under section 104(e), rates of exchange, interest rates, and the terms under which dollar credit sales are made, and shall advise the President with respect thereto. The Advisory Committee shall meet not less than four times during each calendar year at the call of the Acting Chairman of such Committee who shall preside in the following order: The chairman of the House Committee on Agriculture, the chairman of the Senate Committee on Foreign Relations, the chairman of the Senate Committee on Agriculture and Forestry, and the chairman of the House Committee on Foreign Affairs.”

SEC. 9. Section 102 of the Act is amended by striking out the period at the end thereof and adding a colon and the following: “*Provided*, That the Commodity Credit Corporation shall not finance the sale and export of agricultural commodities under this Act for any exporter which is engaging in, or in the six months immediately preceding the application for such financing has engaged in, any sales, trade, or commerce with North Vietnam, or with any resident thereof, or which owns or controls any company which is engaging in, or in such period has engaged in, any such sales, trade, or commerce, or which is owned or controlled by any company or person which is engaging in, or which

80 Stat. 1528.
7 USC 1704.

Barter.
72 Stat. 1791.
7 USC 1692.

Advisory Com-
mittee.

80 Stat. 1537.
7 USC 1736a.

Financing for
persons engaged
in North Vietnam
commerce.
7 USC 1702.

in such period has engaged in, any such sales, trade, or commerce either directly or through any branch, subsidiary, affiliate, or associated company: *Provided further*, That such application for financing must be accompanied by a statement in which are listed by name, address, and chief executive officers all branches, affiliates, subsidiaries and associated companies, foreign and domestic, in which the applicant has a controlling interest and similar information for all companies which either directly or through subsidiaries or otherwise have a controlling interest in the applicant company."

Approved July 29, 1968.

Public Law 90-437

July 29, 1968
[S. 1299]

AN ACT

To amend the Securities Exchange Act of 1934 to permit regulation of the amount of credit that may be extended and maintained with respect to securities that are not registered on a national securities exchange.

Over-the-
counter securi-
ties.

Margin require-
ments.
48 Stat. 886.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Securities Exchange Act of 1934 (15 U.S.C. 78g) is amended—

(1) by striking out "registered on a national securities exchange" in subsection (a) ;

(2) by amending subsection (c) to read as follows:

"(c) It shall be unlawful for any member of a national securities exchange or any broker or dealer, directly or indirectly, to extend or maintain credit or arrange for the extension or maintenance of credit to or for any customer—

"(1) on any security (other than an exempted security), in contravention of the rules and regulations which the Board of Governors of the Federal Reserve System shall prescribe under subsections (a) and (b) of this section ;

"(2) without collateral or on any collateral other than securities, except in accordance with such rules and regulations as the Board of Governors of the Federal Reserve System may prescribe (A) to permit under specified conditions and for a limited period any such member, broker, or dealer to maintain a credit initially extended in conformity with the rules and regulations of the Board of Governors of the Federal Reserve System, and (B) to permit the extension or maintenance of credit in cases where the extension or maintenance of credit is not for the purpose of purchasing or carrying securities or of evading or circumventing the provisions of paragraph (1) of this subsection."

(3) by striking out "registered on a national securities exchange" in the first sentence of subsection (d) and "registered on national securities exchanges" in the second sentence of that subsection.

Approved July 29, 1968.

Public Law 90-438

JOINT RESOLUTION

To amend the Securities Exchange Act of 1934 to authorize an investigation of the effect on the securities markets of the operation of institutional investors.

July 29, 1968
[S. J. Res. 160]

Whereas there has been a very significant increase in the amount of securities held and traded by institutional investors both in absolute terms and in relation to other types of investors; and

Whereas such an increase may have an impact upon the maintenance of fair and orderly securities markets, upon the issuers of securities traded in such markets, and upon the interests of investors and the public interest: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 19 of the Securities Exchange Act of 1934 (15 U.S.C. 78s) is amended by adding at the end thereof the following:

“(e)(1) The Commission is authorized and directed to make a study and investigation of the purchase, sale, and holding of securities by institutional investors of all types (including, but not limited to, banks, insurance companies, mutual funds, employee pension and welfare funds, and foundation and college endowments) in order to determine the effect of such purchases, sales, and holdings upon (A) the maintenance of fair and orderly securities markets, (B) the stability of such markets, both in general and for individual securities, (C) the interests of the issuers of such securities, and (D) the interests of the public, in order that the Congress may determine what measures, if any, may be necessary and appropriate in the public interest and for the protection of investors. The Commission shall report to the Congress, on or before September 1, 1969, the results of its study and investigation, together with its recommendations, including such recommendations for legislation as it deems advisable.

“(2) For the purposes of the study and investigation authorized by this subsection, the Commission shall have all the power and authority which it would have if such investigation were being conducted pursuant to section 21 of this Act. The Commission is authorized to appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and to pay, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, such personnel as the Commission deems advisable to carry out the study and investigation authorized by this subsection, but no such rate shall exceed the per annum rate in effect for a GS-18.

“(3) In connection with the study authorized by this subsection, the Commission shall consult with representatives of various classes of institutional investors, members of the securities industry, representatives of other Government agencies, and other interested persons. The Commission shall also consult with an advisory committee which it shall establish for the purpose of advising and consulting with the Commission on a regular basis on matters coming within the purview of such study.

“(4) There is authorized to be appropriated not to exceed \$875,000 for the study and investigation authorized by this subsection.”

Approved July 29, 1968.

Securities
market.
Effect of insti-
tutional investors.
48 Stat. 898.

Report to
Congress.

15 USC 78u.

80 Stat. 443,
467.
5 USC 5101,
5331.
5 USC 5332
note.

Appropriation.

Public Law 90-439

July 29, 1968
[S. 510]

AN ACT

Providing for full disclosure of corporate equity ownership of securities under the Securities Exchange Act of 1934.

Securities Ex-
change Act of
1934, amendment.
78 Stat. 568.
15 USC 78f.48 Stat. 894.
15 USC 78m.54 Stat. 789.
15 USC 80a-51.48 Stat. 883.
15 USC 78c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 12(i) of the Securities Exchange Act of 1934 is amended by striking out "sections 12, 13, 14(a), 14(c), and 16" and inserting in lieu thereof "sections 12, 13, 14(a), 14(c), 14(d), 14(f), and 16".

SEC. 2. Section 13 of the Securities Exchange Act of 1934 is amended by adding at the end thereof the following new subsections:

"(d)(1) Any person who, after acquiring directly or indirectly the beneficial ownership of any equity security of a class which is registered pursuant to section 12 of this title or any equity security issued by a closed-end investment company registered under the Investment Company Act of 1940, is directly or indirectly the beneficial owner of more than 10 per centum of such class shall, within ten days after such acquisition, send to the issuer of the security at its principal executive office, by registered or certified mail, send to each exchange where the security is traded, and file with the Commission, a statement containing such of the following information, and such additional information, as the Commission may by rules and regulations prescribe as necessary or appropriate in the public interest or for the protection of investors—

"(A) the background and identity of all persons by whom or on whose behalf the purchases have been or are to be effected;

"(B) the source and amount of the funds or other consideration used or to be used in making the purchases, and if any part of the purchase price or proposed purchase price is represented or is to be represented by funds or other consideration borrowed or otherwise obtained for the purpose of acquiring, holding, or trading such security, a description of the transaction and the names of the parties thereto, except that where a source of funds is a loan made in the ordinary course of business by a bank, as defined in section 3(a)(6) of this title, if the person filing such statement so requests, the name of the bank shall not be made available to the public;

"(C) if the purpose of the purchases or prospective purchases is to acquire control of the business of the issuer of the securities, any plans or proposals which such persons may have to liquidate such issuer, to sell its assets to or merge it with any other persons, or to make any other major change in its business or corporate structure;

"(D) the number of shares of such security which are beneficially owned, and the number of shares concerning which there is a right to acquire, directly or indirectly, by (i) such person, and (ii) by each associate of such person, giving the name and address of each such associate; and

"(E) information as to any contracts, arrangements, or understandings with any person with respect to any securities of the issuer, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guaranties of loans, guaranties against loss or guaranties of profits, division of losses or profits, or the giving or withholding of proxies, naming the persons with whom such contracts, arrangements, or understandings have been entered into, and giving the details thereof.

"(2) If any material change occurs in the facts set forth in the statements to the issuer and the exchange, and in the statement filed with the Commission, an amendment shall be transmitted to the issuer and the exchange and shall be filed with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors.

"(3) When two or more persons act as a partnership, limited partnership, syndicate, or other group for the purpose of acquiring, holding, ~~or~~ disposing of securities of an issuer, such syndicate or group shall be deemed a 'person' for the purposes of this subsection.

"Person."

"(4) In determining, for purposes of this subsection, any percentage of a class of any security, such class shall be deemed to consist of the amount of the outstanding securities of such class, exclusive of any securities of such class held by or for the account of the issuer or a subsidiary of the issuer.

"(5) The provisions of this subsection shall not apply to—

"(A) any acquisition or offer to acquire securities made or proposed to be made by means of a registration statement under the Securities Act of 1933;

"(B) any acquisition of the beneficial ownership of a security which, together with all other acquisitions by the same person of securities of the same class during the preceding twelve months, does not exceed 2 per centum of that class;

"(C) any acquisition of an equity security by the issuer of such security;

"(D) any acquisition or proposed acquisition of a security which the Commission, by rules or regulations or by order, shall exempt from the provisions of this subsection as not entered into for the purpose of, and not having the effect of, changing or influencing the control of the issuer or otherwise as not comprehended within the purposes of this subsection.

48 Stat. 74.
15 USC 77a.

"(e) (1) It shall be unlawful for an issuer which has a class of equity securities registered pursuant to section 12 of this title, or which is a closed-end investment company registered under the Investment Company Act of 1940, to purchase any equity security issued by it if such purchase is in contravention of such rules and regulations as the Commission, in the public interest or for the protection of investors, may adopt (A) to define acts and practices which are fraudulent, deceptive, or manipulative, and (B) to prescribe means reasonably designed to prevent such acts and practices. Such rules and regulations may require such issuer to provide holders of equity securities of such class with such information relating to the reasons for such purchase, the source of funds, the number of shares to be purchased, the price to be paid for such securities, the method of purchase, and such additional information, as the Commission deems necessary or appropriate in the public interest or for the protection of investors, or which the Commission deems to be material to a determination whether such security should be sold.

15 USC 78f.

15 USC 80a-51.

"(2) For the purpose of this subsection, a purchase by or for the issuer or any person controlling, controlled by, or under common control with the issuer, or a purchase subject to control of the issuer or any such person, shall be deemed to be a purchase by the issuer."

SEC. 3. Section 14 of the Securities Exchange Act of 1934 is amended by adding at the end thereof the following new subsections:

15 USC 78n.

“(d) (1) It shall be unlawful for any person, directly or indirectly, by use of the mails or by any means or instrumentality of interstate commerce or of any facility of a national securities exchange or otherwise, to make a tender offer for, or a request or invitation for tenders of, any class of any equity security which is registered pursuant to section 12 of this title, or any equity security issued by a closed-end investment company registered under the Investment Company Act of 1940, if, after consummation thereof, such person would, directly or indirectly, be the beneficial owner of more than 10 per centum of such class, unless at the time copies of the offer or request or invitation are first published or sent or given to security holders such person has filed with the Commission a statement containing such of the information specified in section 13(d) of this title, and such additional information as the Commission may by rules and regulations prescribe as necessary or appropriate in the public interest or for the protection of investors. All requests or invitations for tenders or advertisements making a tender offer or requesting or inviting tenders of such a security shall be filed as a part of such statement and shall contain such of the information contained in such statement as the Commission may by rules and regulations prescribe. Copies of any additional material soliciting or requesting such tender offers subsequent to the initial solicitation or request shall contain such information as the Commission may by rules and regulations prescribe as necessary or appropriate in the public interest or for the protection of investors, and shall be filed with the Commission not later than the time copies of such material are first published or sent or given to security holders. Copies of all statements, in the form in which such material is furnished to security holders and the Commission, shall be sent to the issuer not later than the date such material is first published or sent or given to any security holders.

15 USC 78l.

15 USC 80a-51.

Ante, p. 454.

“Person.”

“(2) When two or more persons act as a partnership, limited partnership, syndicate, or other group for the purpose of acquiring, holding, or disposing of securities of an issuer, such syndicate or group shall be deemed a ‘person’ for purposes of this subsection.

“(3) In determining, for purposes of this subsection, any percentage of a class of any security, such class shall be deemed to consist of the amount of the outstanding securities of such class, exclusive of any securities of such class held by or for the account of the issuer or a subsidiary of the issuer.

“(4) Any solicitation or recommendation to the holders of such a security to accept or reject a tender offer or request or invitation for tenders shall be made in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors.

“(5) Securities deposited pursuant to a tender offer or request or invitation for tenders may be withdrawn by or on behalf of the depositor at any time until the expiration of seven days after the time definitive copies of the offer or request or invitation are first published or sent or given to security holders, and at any time after sixty days from the date of the original tender offer or request or invitation, except as the Commission may otherwise prescribe by rules, regulations, or order as necessary or appropriate in the public interest or for the protection of investors.

"(6) Where any person makes a tender offer, or request or invitation for tenders, for less than all the outstanding equity securities of a class, and where a greater number of securities is deposited pursuant thereto within ten days after copies of the offer or request or invitation are first published or sent or given to security holders than such person is bound or willing to take up and pay for, the securities taken up shall be taken up as nearly as may be pro rata, disregarding fractions, according to the number of securities deposited by each depositor. The provisions of this subsection shall also apply to securities deposited within ten days after notice of an increase in the consideration offered to security holders, as described in paragraph (7), is first published or sent or given to security holders.

"(7) Where any person varies the terms of a tender offer or request or invitation for tenders before the expiration thereof by increasing the consideration offered to holders of such securities, such person shall pay the increased consideration to each security holder whose securities are taken up and paid for pursuant to the tender offer or request or invitation for tenders whether or not such securities have been taken up by such person before the variation of the tender offer or request or invitation.

"(8) The provisions of this subsection shall not apply to any offer for, or request or invitation for tenders of, any security—

"(A) proposed to be made by means of a registration statement under the Securities Act of 1933;

"(B) if the acquisition of such security, together with all other acquisitions by the same person of securities of the same class during the preceding twelve months, would not exceed 2 per centum of that class;

"(C) by the issuer of such security; or

"(D) which the Commission, by rules or regulations or by order, shall exempt from the provisions of this subsection as not entered into for the purpose of, and not having the effect of, changing or influencing the control of the issuer or otherwise as not comprehended within the purposes of this subsection.

"(e) It shall be unlawful for any person to make any untrue statement of a material fact or omit to state any material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, or to engage in any fraudulent, deceptive, or manipulative acts or practices, in connection with any tender offer or request or invitation for tenders, or any solicitation of security holders in opposition to or in favor of any such offer, request, or invitation.

"(f) If, pursuant to any arrangement or understanding with the person or persons acquiring securities in a transaction subject to subsection (d) of this section or subsection (d) of section 13 of this title, any persons are to be elected or designated as directors of the issuer, otherwise than at a meeting of security holders, and the persons so elected or designated will constitute a majority of the directors of the issuer, then, prior to the time any such person takes office as a director, and in accordance with rules and regulations prescribed by the Commission, the issuer shall file with the Commission, and transmit to all holders of record of securities of the issuer who would be entitled to vote at a meeting for election of directors, information substantially equivalent to the information which would be required by subsection (a) or (c) of this section to be transmitted if such person or persons were nominees for election as directors at a meeting of such security holders."

48 Stat. 74.
15 USC 77a.

Ante, pp. 456,
454.

Approved July 29, 1968.

Public Law 90-440

July 30, 1968
[S. 1941]

AN ACT

To prevent, abate, and control air pollution in the District of Columbia, and for other purposes.

District of
Columbia Air
Pollution Control
Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "District of Columbia Air Pollution Control Act".

DECLARATION OF PURPOSE

SEC. 2. It is the purpose of this Act to enable the District of Columbia Council and the Commissioner of the District of Columbia to take such action (including the adoption of air pollution control regulations of the type proposed in the model air pollution control ordinance adopted by the Metropolitan Washington Council of Governments) as may be necessary to protect and enhance the quality of the District of Columbia's air resources so as to promote the public health and welfare and the productive capacity of its population; to foster their comfort and convenience; and to increase the enjoyment of all of the attractions of the Nation's Capital.

EMISSION AND AIR QUALITY STANDARDS ESTABLISHED BY THE DISTRICT OF COLUMBIA COUNCIL

SEC. 3. (a) (1) The District of Columbia Council (hereafter referred to in this Act as the "Council") shall prescribe (A) within six months after the date of the enactment of this Act regulations to control emissions in the District of Columbia of substances into the atmosphere, and (B) such other regulations to protect and improve air quality in the District of Columbia as it determines are necessary to carry out the purposes of this Act.

(2) In carrying out clause (A) of paragraph (1) of this subsection, the Council shall prescribe regulations for the control of the following air pollution problems in the District of Columbia:

- (A) combustion of fuels at stationary sources,
- (B) solid waste disposal and salvage operations,
- (C) visible emissions,
- (D) process emissions, and
- (E) emissions from motor vehicles (including diesel driven vehicles).

Minimum
standards.

The provisions of such regulations shall be at least as stringent as the provisions of the recommendations made by the Secretary of Health, Education, and Welfare for the control of such problems and contained in his recommendations for abatement of air pollution in the National Capital metropolitan area presented in January 1968 to the interstate air pollution abatement conference called under section 105(d) (1) (C) of the Clean Air Act (42 U.S.C. 1857d).

81 Stat. 494.
Review and re-
vision.

(3) The Council may review and make such revisions of regulations prescribed under this Act as it determines are necessary to carry out the purposes of this Act, except that any regulation prescribed under clause (A) of paragraph (1) of subsection (a) shall be so reviewed at least once every two years.

Federal property.

(4) The regulations prescribed by the Council under this Act shall apply to any building, installation, or other property, which is located in the District of Columbia and which is under the juris-

diction of any department, agency, or instrumentality of the United States Government, only to the extent provided in Executive Order 11282 of May 26, 1966, any other Executive order of the President, and any Federal regulations, issued to carry out section 111 of the Clean Air Act (42 U.S.C. 1857f).

(5) The Council may impose in any regulation prescribed under this Act a fine (not to exceed \$300) or imprisonment (not to exceed ninety days), or both, for a violation of such regulation; and may provide that if such violation is a continuing one, each day of such violation shall constitute a separate offense.

(b) In the formulation of any regulations under this Act, the Council shall afford interested persons an opportunity to participate in the formulation of such regulations through submission of written data, views, or arguments with opportunity to present oral testimony and argument. The Council shall make its regulations under this Act on the basis of the record established in proceedings held pursuant to this subsection.

42 USC 1857f
note.

81 Stat. 499.

Penalties.

Public partici-
pation.

AIR POLLUTION CONTROL PROGRAM FOR THE DISTRICT OF COLUMBIA

SEC. 4. (a) The Commissioner of the District of Columbia (hereafter referred to in this Act as the "Commissioner") shall take such action as may be necessary to prepare a comprehensive program for the control and prevention of air pollution in the District of Columbia. Such program shall provide for the administration and enforcement by the Commissioner of the regulations prescribed by the Council under section 3 of this Act. As part of such program, the Commissioner—

Duties of
Commissioner.

(1) shall conduct research, investigations, experiments, training demonstrations, surveys, and studies, relating to the causes, effects, extent, prevention, and control of air pollution in the District of Columbia;

(2) shall collect and make available, through publications, educational and training programs, and other appropriate means, the results of, and other information pertaining to, the activities carried out under paragraph (1);

(3) shall establish, in accordance with such regulations as the Council may prescribe, such procedures as may be necessary to enable him (acting by himself or with air pollution control agencies of surrounding jurisdictions) to effectively deal with an air pollution emergency; and

Emergency
powers.

(4) may advise, consult, cooperate, and enter into agreements with the governments and agencies of any State or political subdivision thereof adjacent to the District of Columbia and any interstate or other regional agency representing any such State or political subdivision to (A) establish cooperative effort and mutual assistance for the prevention and control of air pollution and the enforcement of their respective laws relating thereto, and (B) establish such agencies as may be necessary to carry out such agreements.

Cooperation
with adjacent
jurisdictions.

(b) For the purpose of carrying out his duties under this Act, the Commissioner may—

(1) delegate the performance of such duties to an agency of the government of the District of Columbia, designated or established by him;

Delegation of
authority.

(2) issue such orders as may be necessary to enforce the regulations prescribed by the Council under this Act and enforce such orders by all appropriate administrative and judicial proceedings, including injunctive relief;

Enforcement.

- (3) hold hearings relating to the administration of this Act;
- (4) secure necessary scientific, technical, administrative, and operational services, including laboratory facilities, by contract, or otherwise;
- (5) receive and administer grants or gifts made for the purpose of carrying out the purposes of this Act; and
- (6) take any other action which may be necessary to carry out his duties under this Act.

JUDICIAL REVIEW

D.C. Court of Appeals, jurisdiction.

77 Stat. 485;
78 Stat. 633.

SEC. 5. Section 11-742(a) of the District of Columbia Code is amended—

- (1) by striking out “and” at the end of paragraph (9),
- (2) by striking out the period at the end of paragraph (10) and inserting in lieu thereof “; and”, and
- (3) by adding after paragraph (10) the following:

“(11) Any agency action taken by the Commissioner of the District of Columbia or the District of Columbia Council under the District of Columbia Air Pollution Control Act.

“Agency action.”

80 Stat. 383.

For purposes of paragraph (11) of this subsection, the term ‘agency action’ shall have the same meaning that is given that term in section 551(13) of title 5 of the United States Code.”

REPEAL OF ACT OF AUGUST 15, 1935

49 Stat. 653.

SEC. 6. Effective on the one hundred and eightieth day following the date of the enactment of this Act, the Act approved August 15, 1935 (D.C. Code, secs. 6-801—6-804), is repealed.

Approved July 30, 1968.

Public Law 90-441

July 30, 1968
[S. 3456]

AN ACT

To provide that the prosecution of the offenses of disorderly conduct and lewd, indecent, or obscene acts shall be conducted in the name of and for the benefit of the District of Columbia.

D.C.
Disorderly
and obscene acts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding section 932 of the Act approved March 3, 1901 (31 Stat. 1340), as amended (D.C. Code, sec. 23-101), prosecutions for violations of sections 5 and 6 of the Act approved July 29, 1892 (27 Stat. 323), as amended by the Act approved July 8, 1898 (30 Stat. 723), and section 210 of the Act approved June 29, 1953 (67 Stat. 97; D.C. Code, sec. 22-1107), relating to disorderly conduct, and for violations of section 9 of such Act approved July 29, 1892, as amended by section 202 of such Act approved June 29, 1953 (67 Stat. 92; D.C. Code, sec. 22-1112), relating to lewd, indecent, or obscene acts, shall be conducted in the name of the District of Columbia by the Corporation Counsel or his assistants.

Approved July 30, 1968.

Public Law 90-442

AN ACT

To amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations.

July 30, 1968
[H. R. 18065]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(f)(2) of the Foreign Service Buildings Act, 1926 (22 U.S.C. 295(f)(2)), is amended—

Foreign Service
Buildings Act,
additional appro-
priation.
80 Stat. 881.

- (1) by striking out “and” and inserting in lieu thereof a comma; and
- (2) by inserting immediately before the period at the end thereof a comma and the following: “not to exceed \$13,500,000 for the fiscal year 1970, and not to exceed \$14,300,000 for the fiscal year 1971”.

Approved July 30, 1968.

Public Law 90-443

JOINT RESOLUTION

To authorize the President to designate the week of August 4 through August 10, 1968, as “Professional Photography Week”.

July 30, 1968
[S. J. Res. 181]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That as a tribute to the professional photographer and his many works and in recognition of the importance of professional photography in our life today and in America's future, the President is authorized to issue a proclamation designating the week beginning August 4 through August 10, 1968, as “Professional Photography Week”, and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

Professional
Photography
Week.
Proclamation.

Approved July 30, 1968.

Public Law 90-444

AN ACT

To authorize the Secretary of the Army to modify certain use restrictions on a tract of land in the State of Iowa in order that such land may be used as a site for the construction of buildings or other improvements for the Iowa Law Enforcement Academy.

July 30, 1968
[S. 3495]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized to modify on behalf of the United States the land use restriction applicable to a tract of land constituting a portion of a larger tract of State-owned land and also a portion of lands heretofore conveyed by the United States to the State of Iowa pursuant to the Act entitled “An Act to direct the Secretary of the Army to convey certain property located in Polk County, Iowa, and described

Iowa.
Land use re-
strictions, modi-
fication.

as Camp Dodge and Polk County Target Range, to the State of Iowa", approved June 1, 1955 (69 Stat. 70), so that such tract with respect to which such modification is given may be used by such State for law enforcement academy purposes. The exact description of the tract with respect to which such restriction is modified by the Secretary pursuant to this authority shall be agreed upon by the Secretary and the State of Iowa, but in no event shall the total area of such tract exceed nine acres.

SEC. 2. The Secretary of the Army is authorized to impose such terms and conditions on the modification authorized by this Act as he deems appropriate to protect the interests of the United States. All expenses for surveys and the preparation and execution of legal documents necessary or appropriate to carry out the provisions of this Act shall be borne by the State of Iowa.

Approved July 30, 1968.

Public Law 90-445

AN ACT

July 31, 1968
[H. R. 12120]

To assist the courts, correctional systems, community agencies, and primary and secondary public school systems to prevent, treat, and control juvenile delinquency; to support research and training efforts in the prevention, treatment, and control of juvenile delinquency; and for other purposes.

Juvenile Delinquency Prevention and Control Act of 1968.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Juvenile Delinquency Prevention and Control Act of 1968".

FINDINGS AND PURPOSE

SEC. 2. The Congress finds that delinquency among youths constitutes a national problem which can be met by assisting and coordinating the efforts of public and private agencies engaged in combating the problem, and by increasing the number and extent of the services available for preventing and combating juvenile delinquency. It is, therefore, the purpose of this Act to help State and local communities strengthen their juvenile justice and juvenile aid systems, including courts, correctional systems, police agencies, and law enforcement and other agencies which deal with juveniles, and to assist communities in providing diagnosis, treatment, rehabilitative, and preventive services to youths who are delinquent or in danger of becoming delinquent, to encourage the development of community-based rehabilitation and prevention programs to provide assistance in the training of personnel employed or preparing for employment in occupations involving the provision of such services, to provide support for comprehensive planning, development of improved techniques, and information services in the field of juvenile delinquency, and to provide technical assistance in such field.

TITLE I—PLANNING AND PREVENTIVE AND REHABILITATIVE SERVICES

PART A—STATE AND LOCAL PLANNING AND STATE ASSISTANCE TO LOCALITIES

STATE AND LOCAL PLANNING

SEC. 101. (a) In order to encourage States and localities to prepare and adopt comprehensive plans covering their respective jurisdictions, based on a thorough evaluation of problems of juvenile delinquency and youths in danger of becoming delinquent in the State, the Secretary is authorized to make grants to any State or local public agency to assist in preparing or revising such a plan. No such grant may exceed 90 per centum of the cost of the planning with respect to which such grant is made.

(b) The Secretary may impose as a condition to any grants under this title within any State or locality that such planning be undertaken and that, where he deems it appropriate, a comprehensive plan or plans be prepared within a reasonable period.

GRANTS FOR PLANNING PROJECTS OR PROGRAMS

SEC. 102. The Secretary is authorized to make grants to any State, county, municipal, or other public agency or nonprofit private agency or organization to assist it in meeting the cost of planning any project or program for which a grant may be made under the other provisions of this title. No such grant may exceed 90 per centum of the cost of the planning with respect to which such grant is made.

PART B—REHABILITATIVE SERVICES

STATEMENT OF PURPOSE

SEC. 111. The purpose of this part is to assist courts, correctional institutions, law enforcement agencies, and other agencies having responsibilities with respect to delinquent youths and youths in danger of becoming delinquent, including youths who are on parole or probation, to develop, improve, and make full use of State and community rehabilitation services for the diagnosis, treatment, and rehabilitation of such youths; to assist and encourage States to devote resources under other programs, in the fields of general and vocational education, job training, prevention and detection of crime, health, and welfare, to support programs for the diagnosis, treatment, and rehabilitation of delinquent youths and youths in danger of becoming delinquent, including support through the provision of assistance to establish linkage between the planning, conduct, and delivery of services under such other programs and programs under this act for delinquent youths and youths in danger of becoming delinquent; and to encourage the development in communities of new designs and new methods of care and treatment, including the operation of full-time or part-

time community-based residential facilities for such youths requiring residential care, diagnosis, treatment, and rehabilitation.

AUTHORIZATION OF GRANTS

SEC. 112. The Secretary is authorized to make grants to meet not to exceed 60 per centum of the cost of projects or programs designed to carry out the purposes of this part.

APPLICATIONS

SEC. 113. (a) Grants under this part may be made only upon application, to a State agency or, in the case of direct grants under section 132, to the Secretary, by a State, county, municipality, or other public agency or combination thereof, which contains or is accompanied by satisfactory assurances that—

(1) such applicant agency will provide to the extent feasible for coordinating, on a continuing basis, its operations with the operations of public agencies and private nonprofit organizations furnishing welfare, education, health, mental health, recreation, job training, job placement, correction, and other basic services in the community for youths;

(2) such applicant agency will make reasonable efforts to secure or provide any of such services which are necessary for diagnosing, treating, and rehabilitating youths referred to in section 111 and which are not otherwise being provided in the community, or if being provided are not adequate to meet its needs;

(3) maximum use will be made under the program or project of other Federal, State, or local resources available for provision of such services;

(4) financial resources will, in the case of grants for construction, be available for the non-Federal share of such construction and for continued operation of the facility constructed; and

(5) public and private agencies and organizations (including courts, law enforcement and other agencies involved in the youth correction process) providing the services referred to in paragraph (1) will be consulted in the formulation by the applicant of the project or program, taking into account the services and expertise of such agencies and organizations, and with a view to adapting such services to the better fulfillment of the purposes of this part.

(b) Such application shall contain such information as may be necessary to carry out the purpose of this Act, including—

(1) a description of the services for youths described in section 111 which are available in the State or community;

(2) a statement of the method or methods of linking the agencies and organizations, public and private, providing these and other services; and

(3) a showing that the project or program is consistent with any comprehensive plan developed under any other Act which is related to the purpose of this Act.

PART C—PREVENTIVE SERVICES

STATEMENT OF PURPOSE

SEC. 121. The purpose of this part is to promote the use of community-based services for the prevention of delinquency of youths; and to assist States and communities to establish special preventive services, including educational delinquency prevention programs in schools, for youths in danger of becoming delinquent, including youths who are on parole or probation.

AUTHORIZATION OF GRANTS

SEC. 122. The Secretary is authorized to make grants to meet not to exceed 75 per centum of the cost of projects or programs designed to carry out the purposes of this part.

APPLICATIONS

SEC. 123. (a) Grants under this part may be made only upon application, to a State agency or, in the case of direct grants under section 132, to the Secretary, by a public agency or nonprofit private agency or organization, which contains or is accompanied by satisfactory assurances that—

(1) steps have been or will be taken toward provision, within a reasonable period of time, of a program of services in the area served which are necessary for the prevention of delinquency of youths, including diagnosis, treatment, and rehabilitation of youths in danger of becoming delinquent;

(2) such applicant agency or organization will make special efforts to assure that the services provided by the program or project will be available for youths with serious behavioral problems;

(3) such applicant agency or organization will provide to the extent feasible for coordinating, on a continuing basis, its operations with the operations of public agencies and private nonprofit organizations furnishing welfare, education, health, mental health, recreation, job training, job placement, correction, and other basic services in the community for youths;

(4) such applicant agency or organization will make reasonable efforts to secure or provide any of such services which are necessary for diagnosing, treating, and rehabilitating youths referred to in section 121 and which are not otherwise being provided in the community, or if being provided are not adequate to meet its needs;

(5) maximum use will be made under the program or project of other Federal, State, or local resources available for provision of such services; and

(6) public and private agencies and organizations (including courts, law enforcement and other agencies involved in the youth correction process) providing the services referred to in paragraph (3) will be consulted in the formulation by the applicant

of the project or program, taking into account the services and expertise of such agencies and organizations, and with a view to adapting such services to the better fulfillment of the purposes of this part.

Information.

(b) Such application shall contain such information as may be necessary to carry out the purpose of this Act, including—

(1) a description of the services for youths described in section 121 which are available in the State or community;

(2) a statement of the method or methods of linking the agencies and organizations, public and private, providing these and other services; and

(3) a showing that the project or program is consistent with any comprehensive plan developed under any other Act which is related to the purpose of this Act.

PART D—GENERAL PROVISIONS

STATE PLAN

SEC. 131. (a) Any State which desires to receive a grant under part B or C of this title in order to make program or project grants within such State shall, through a single State agency designated for the purposes of this title, submit to the Secretary a comprehensive juvenile delinquency plan in such detail as the Secretary deems necessary.

(b) The Secretary shall approve a State plan or modification thereof for any fiscal year for purposes of this section if he determines that the plan for that fiscal year—

(1) provides that the grant to the State will be used solely (A) for projects and programs which are submitted to the State agency by a community, municipal, or other local public agency or local nonprofit private agency or organization, or combination thereof, which meet the requirements of section 113 or section 123, and which are approved by such State agency, and (B) for paying up to 75 per centum of the cost of administering the plan approved under this section;

(2) (A) sets forth, on the basis of an analysis and survey of the needs in the State for assistance under part B or C, a method of distribution of funds under the plan, including establishment of priorities for locations and types of projects and programs, which gives emphasis to community based alternatives to programs of institutionalization and which conforms to criteria of the Secretary, and (B) provides for distribution of such funds, insofar as financial resources make possible, in accordance with such method;

(3) provides for an appropriate balance of rehabilitation and preventive projects and programs;

(4) provides for (A) effective coordination of plans and programs developed and conducted by the State in fields related to juvenile delinquency, including programs under the Elementary and Secondary Education Act of 1965, the Social Security Act, the Manpower Development and Training Act of 1962, and pro-

20 USC 821
note; 42 USC 1305,
2571 note.

grams for the prevention and detection of crime, with plans, projects, and programs developed and conducted by the State under this title, and (B) appropriate application of resources under such other plans and programs to support and reinforce plans, projects, and programs under this title;

(5) provides for the effective participation of persons representative of local and areawide public and private groups and organizations familiar with the field of juvenile delinquency and with associated fields in the development and implementation of the State plan;

(6) demonstrates the capability of the State agency in the areas of planning, project and program development, technical assistance, and evaluation, and sets forth the administrative organization and procedures in such detail as the Secretary may prescribe by regulation;

(7) provides for the maximum use of other Federal, State, and local resources, including resources available through the programs referred to in paragraph (4), in carrying out the State plan and projects and programs under it;

(8) sets forth policies and procedures which give assurance that the Federal grant for any fiscal year will be used to supplement and, to the extent practical, increase the fiscal effort (determined in accordance with criteria prescribed by the Secretary by regulation) that would, in the absence of such Federal grant, be made by the State, and subdivisions thereof, in the field of juvenile delinquency;

(9) provides for adoption of effective procedures (A) for the evaluation at least annually of the effectiveness of the programs and projects supported under the State plan, and (B) for dissemination of information secured thereby and other useful information to local public or nonprofit private agencies and organizations in the State operating in the field of juvenile delinquency or a related field;

(10) provides for adoption of procedures to assure that funds paid to local public or nonprofit private agencies and organizations with respect to projects and programs under the plan will be used in accordance with applications therefor approved under the plan;

(11) provides for making an annual report and such other reports, in such form and containing such information and evaluations, as the Secretary may reasonably require;

(12) provides that final action by the State agency denying (in whole or in part), or withholding funds with respect to, any application (or amendment thereof) made to it for a grant under part B or C shall not be taken without first affording the applicant reasonable notice and opportunity for a hearing;

(13) provides, in the case of an application for a program or a project which is in the nature of an amendment to the State plan or a clear departure from the purview of the State plan, that final approval by the State agency of such application shall not be given unless such application has been submitted to the Secretary together with a brief statement describing the proposed program or project, and the Secretary has not, within thirty days after such submission, disapproved such application; and

(14) provides assurance that the State will furnish at least one-half of the non-Federal share of funds required to meet the cost of programs and projects aided under the State plan.

(c) Depending upon the availability of funds, and the other applications under part B or C, the Secretary may approve all or part of

the assistance requested by a State agency pursuant to an approved State plan, but all assistance requested by such agency, pursuant to an approved State plan, may be disapproved only if he determines that the provision of such assistance would so disperse available funds that the effectiveness of other projects or programs under part B or C which would more effectively carry out the purposes of part B or C, would be impaired.

(d) The Secretary may, if he finds that a State plan for a fiscal year is in substantial (but not complete) compliance with the requirements set forth in subsection (b), approve that part of the plan which is in compliance with such requirements and make available to that State only those funds which he determines to be necessary to carry out that part of the plan so approved.

(e) (1) The Secretary shall not finally disapprove any plan submitted under subsection (a), or any modification thereof, without first affording the State agency submitting the plan reasonable notice and opportunity for a hearing.

(2) Whenever the Secretary, after reasonable notice and opportunity for hearing to any State agency, finds that there has been a failure to comply substantially with any requirement set forth in the plan of that State approved under this section, the Secretary shall notify the agency that further payments will not be made to the State under parts B and C (or, in his discretion, that the State agency shall not make further payments thereunder to specified public agencies or nonprofit private agencies or organizations affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, no further payments shall be made to the State under such parts or payments by the State agency under such parts shall be limited to public agencies or nonprofit private agencies and organizations not affected by the failure, as the case may be.

DIRECT GRANTS

SEC. 132. Until a State has submitted a State comprehensive juvenile delinquency plan under this title and the Secretary has approved such plan, or upon failure of the State to carry out such plan according to the terms and conditions specified in such plan as approved, the Secretary may make grants directly to public agencies or nonprofit private agencies and organizations in accordance with the provisions of parts B and C of this title. No grant under this section shall be for an amount in excess of 60 per centum in the case of part B or 75 per centum in the case of part C of the cost of the project or program with respect to which it is made.

USE OF FUNDS

SEC. 133. Funds paid to any agency or organization (whether directly or through a State agency) under part B or C of this title may be used for—

(1) meeting the cost of securing or providing services designed to carry out the purposes of such part, but only to the extent and for the period reasonably necessary for the community to provide such services; and

(2) in the case of part B, meeting not to exceed 50 per centum of the cost of construction of community-based, unusual, and special purpose or innovative types of facilities which, in the judgment of the Secretary, are necessary for carrying out the purposes of part B, including community-based, unusual, and special purpose or innovative (A) combination detention and diagnostic facilities, (B) halfway houses for youths who because of special behavioral

problems have a high risk of becoming delinquent or who have been determined to be delinquent and are not yet ready for full return to society; (C) small, special-purpose, residential, community-based facilities for diagnosis, treatment, and rehabilitation of youths; (D) training schools for the rehabilitation and education of youths who are in custody of any public agency charged with the care of delinquent youths; but, in developing plans for such facilities, due consideration shall be given to excellence of architecture and design: *Provided, however,* That not to exceed 25 per centum of the funds appropriated for any fiscal year under this Act may be used to meet such costs of construction.

It shall be a condition of any grant under part B which is wholly or partially for construction that all laborers and mechanics employed by contractors or subcontractors on such construction shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have with respect to these labor standards the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 P.R. 36, 64 Stat. 1267) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

49 Stat. 1011.

63 Stat. 108;
72 Stat. 967.

NOTIFICATION

SEC. 134. The Secretary shall not approve an application for a grant under part A or section 132 until a copy of the application has been submitted—

(1) to the Governor of the State, or an officer designated by him or by State law, and a reasonable opportunity has been afforded the Governor or such officer to prepare and submit to the Secretary his evaluation of the planning, program, or project, which shall include comments on the relationship of the application to other applications then pending and to existing or proposed plans in the State for the development of new or additional programs for the diagnosis, treatment, or rehabilitation or preventive services for youths who are delinquent or in danger of becoming delinquent; and

(2) to the governing bodies of the political units principally affected, and a reasonable opportunity afforded such governing bodies, acting through such officers as they may designate, to prepare and submit to the Secretary an evaluation of the planning, program, or project.

CONSIDERATIONS FOR APPROVAL OF APPLICATIONS

SEC. 135. In determining whether or not to approve applications for grants under part B or C of this title, the State agency or, in the case of grants under section 132, the Secretary shall consider, among other relevant factors in the State or community of the applicant—

- (1) the relative costs and effectiveness of the project or program in effectuating the purposes of such part;
- (2) the incidence of and rate of increase in youth offenses and juvenile delinquency;
- (3) school dropout rates;
- (4) the adequacy of existing facilities and services for carrying out the purposes of such part;
- (5) the extent of comprehensive planning in the community for carrying out the purposes of such part;
- (6) youth unemployment rates;

(7) the extent to which proposed programs or projects incorporate new or innovative techniques within the State or community to carry out the purposes of such part; and

(8) the extent to which the proposed programs or projects incorporate programs for the parents of youths who are delinquent or in danger of becoming delinquent, as well as programs for other adults who offer guidance or supervision to such youths.

TITLE II—TRAINING

AUTHORIZATION

SEC. 201. The Secretary is authorized, with the concurrence of the Secretary of Labor, to make grants or contracts for projects for the training of personnel employed in or preparing for employment in fields related to the diagnosis, treatment, or rehabilitation of youths who are delinquent or in danger of becoming delinquent, or for the counseling or instruction of parents in the improving or parental instruction and supervision of youths who are delinquent or in danger of becoming delinquent. Such projects shall include special programs which provide youths and adults with training for career opportunities, including new types of careers, in such fields. Such projects may include, among other things, development of courses of study and of interrelated curricula in schools, colleges, and universities, establishment of short-term institutes for training at such schools, colleges, and universities, inservice training, and traineeships with such stipends, including allowances for travel and subsistence expenses, as the Secretary may determine to be necessary.

RECIPIENTS AND CONDITIONS OF GRANTS AND CONTRACTS

SEC. 202. Such grants may be made to and such contracts may be made with any Federal, State, or local public or nonprofit private agency or organization; and to the extent he deems it appropriate, the Secretary shall require the recipient of any such grant or contract to contribute money, facilities, or services for carrying out the projects for which the grant or contract is made.

TITLE III—IMPROVED TECHNIQUES AND PRACTICES

NEW TREATMENT AND SERVICES

SEC. 301. (a) The Secretary is authorized to develop improved techniques and practices which, in his judgment, hold promise of making a substantial contribution toward prevention of delinquency and treatment of youths who are delinquent or in danger of becoming delinquent or toward improvement in the rehabilitative services for delinquent youths, including techniques and practices for the training of personnel.

Grants.

(b) The Secretary may also make grants for such purposes to any State, local, or other public agency or nonprofit private agency or organization; and, to the extent he deems it appropriate, the Secretary shall require the recipient of any such grant to contribute money, facilities, or services for carrying out the project for which such grant was made.

Contracts.

(c) The Secretary is further authorized to enter into contracts for any such purposes with public or private agencies and organizations and with individuals.

Appropriation,
limitation.

(d) Not more than 10 per centum of the funds appropriated for any fiscal year under this Act, or \$2,000,000, whichever is the lesser, may be used to carry out this section.

TECHNICAL ASSISTANCE

SEC. 302. The Secretary is authorized to cooperate with and, either directly or through grants to or contracts with any public agency or nonprofit private agency or organization, render technical assistance to State, local, or other public or private agencies or organizations in matters relating to prevention of delinquency or to rehabilitative services for delinquent youths and youths in danger of becoming delinquent, and to provide short-term training and instruction of a technical nature with respect to such matters.

STATE ASSISTANCE TO LOCAL UNITS

SEC. 303. The Secretary is authorized to make grants to any State agency which is able and willing to provide technical assistance to local public agencies and nonprofit private agencies and organizations engaged in or preparing to engage in activities for which aid may be provided under this Act. No such grant may exceed 90 per centum of the cost of the activities of the State agency with respect to which such grant is made.

INFORMATION SERVICES

SEC. 304. The Secretary is directed to collect, evaluate, publish, and disseminate information and materials relating to research and programs and projects conducted under this Act, and other matters relating to prevention or treatment of delinquency or provision of rehabilitative services for delinquent youths and youths who are in danger of becoming delinquent, such information and materials to be for the general public and for agencies, organizations, and personnel engaged in programs concerning youths who are delinquent or in danger of becoming delinquent.

TITLE IV—ADMINISTRATION

PAYMENT PROCEDURE

SEC. 401. Payments of any grant or under any contract under this Act may be made (after necessary adjustment on account of previously made overpayments or underpayments) in installments, and in advance or by way of reimbursement, as may be determined by the Secretary, and shall be made on such conditions as he finds necessary to carry out the purposes for which the grant or contract is made.

APPROPRIATIONS

SEC. 402. There are authorized to be appropriated for grants and contracts under this Act, to the Department of Health, Education, and Welfare, \$25,000,000 for the fiscal year ending June 30, 1969, \$50,000,000 for the fiscal year ending June 30, 1970, and \$75,000,000 for the fiscal year ending June 30, 1971.

AMOUNTS AVAILABLE FOR EACH STATE

SEC. 403. (a) The total of the grants made under title I of this Act for any fiscal year with respect to activities in any one State may not exceed 15 per centum of the total of the funds available for such grants under such title for such fiscal year.

(b) Of the funds available for grants under title I for any fiscal year—

(1) \$25,000 each shall be reserved for the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands; and

(2) \$100,000 shall be reserved for each other State; except that, if the Secretary determines, on the basis of the information available to him on the last day of the ninth month of any fiscal year, that any portion of such \$25,000 or \$100,000 for any State will not be required for such grants under title I of this Act for such year, such portion shall be available for grants under such title for such year with respect to activities in any other State (in the case of which such a determination has not been made).

EVALUATION

SEC. 404. (a) The Secretary shall provide for the continuing evaluation of the programs, projects, and other activities under this Act, including their effectiveness in achieving stated goals and their relationship to and impact on related Federal, State, and local activities. This evaluation shall include comparisons with proper control groups composed of persons who have not participated in programs under this Act. The results of such evaluations shall be included in the report required by section 408.

(b) In addition to funds otherwise available for evaluation, such portion of any appropriation under section 402 as the Secretary may determine, but not exceeding 1 per centum thereof, shall be available for evaluation by the Secretary (directly or by grants or contracts) of the activities for which such appropriation is made.

JUDICIAL REVIEW

SEC. 405. In the case of action taken by the Secretary terminating or refusing to continue financial assistance to a grantee, such grantee may obtain judicial review of such action in accordance with chapter 7 of title 5 of the United States Code.

80 Stat. 392.
5 USC 701-706.

JOINT FUNDING

SEC. 406. Pursuant to regulations prescribed by the President, where funds are advanced for a single project by more than one Federal agency to an agency or organization assisted under this Act, any one Federal agency may be designated to act for all in administering the funds advanced. In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and any such agency may waive any technical grant or contract requirement (as defined by such regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose.

COORDINATION

SEC. 407. To avoid duplication of efforts, it shall be the responsibility of the Secretary to consult and coordinate with the Attorney General and such other Federal officers as are charged with responsibilities in the area of combating juvenile delinquency or crime in general.

ANNUAL REPORT

SEC. 408. Not later than one hundred and twenty days after the close of each fiscal year, the Secretary, with the appropriate assistance and concurrence of the heads of other Federal agencies who are consulted and whose activities are coordinated under section 407, shall

prepare and submit to the President for transmittal to the Congress a full and complete report on all Federal activities in the fields of juvenile delinquency, youth development, and related fields. Such report shall include, but not be limited to—

(1) planning, program, and project activities conducted under this Act;

(2) the nature and results of model programs and technical assistance conducted under title III of this Act;

(3) the number and types of training projects, number of persons trained and in training, and job placement and other follow-up information on trainees and former trainees assisted under title II of this Act; and

(4) steps taken and mechanisms and methods used to coordinate and avoid duplication of Federal activities in the fields of juvenile delinquency, youth development, and related fields and the effectiveness of such steps, mechanisms, and methods.

ADVISORY COMMITTEES

SEC. 409. (a) The Secretary is authorized to appoint an advisory committee to advise him with respect to matters of general policy involved in the administration of this Act, and particularly with respect to the coordination of activities under this Act and related activities under other Federal, State, or local laws and on such other matters relating to this Act as the Secretary may request.

(b) (1) The Secretary is also authorized to appoint such other technical or advisory committees to advise him in connection with activities under this Act as he deems necessary.

(2) Members of any committee appointed under this section who are not otherwise in the regular full-time employ of the United States, while attending meetings of their respective committees, shall be entitled to receive compensation at a rate to be fixed by the Secretary, but not exceeding \$100 per diem (or, if higher, the rate specified at the time of such service for grade GS-18 in title 5, United States Code, section 5332), including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

5 USC 5332
note.

80 Stat. 499.

DEFINITIONS

SEC. 410. For purposes of this Act—

(1) The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(2) The term "State agency" means the State agency designated in a State's comprehensive juvenile delinquency plan.

(3) The term "public agency" means a duly elected political body or a subdivision thereof and shall not be construed to include the Office of Economic Opportunity. Such term includes an Indian tribe. In the case of a grant under part A of title I or section 132, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of any planning, project, or program, he may increase the Federal share of the cost thereof payable under this Act to the extent necessary, notwithstanding the maximum otherwise imposed by this Act on the portion of such cost which may be so payable.

(4) The term "nonprofit private agency or organization" means any accredited institution of higher education, and any other agency, organization, or institution which is owned and operated by one or

more nonprofit corporations or organizations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, but only if such agency, organization, or institution was in existence at least two years before the date of an application under this Act. Such term shall not be construed to include the Office of Economic Opportunity. Participation by the Office of Economic Opportunity is expressly prohibited in administering this Act.

(5) The term "Secretary" means the Secretary of Health, Education, and Welfare.

Approved July 31, 1968.

Public Law 90-446

July 31, 1968
[H. R. 10673]

AN ACT

To amend title III of the Packers and Stockyards Act, 1921, as amended.

Packers and
Stockyards Act,
amendment.

42 Stat. 163;
72 Stat. 1750.
"Stockyard."

Market agencies
and dealers, ap-
proval by stock-
yard owners.

7 USC 201.
Penalty.

Services with-
out discrimina-
tion.
44 Stat. 397.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 201 et seq.), is amended as follows:

(a) Section 302(a) (7 U.S.C. 202(a)) is amended to read:

"(a) When used in this title the term 'stockyard' means any place, establishment, or facility commonly known as stockyards, conducted, operated, or managed for profit or nonprofit as a public market for livestock producers, feeders, market agencies, and buyers, consisting of pens, or other inclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale or shipment in commerce."

(b) Section 303 (7 U.S.C. 203) is amended to read:

"SEC. 303. After the expiration of thirty days after the Secretary has given public notice that any stockyard is within the definition of section 302, by posting copies of such notice in the stockyard, no person shall carry on the business of a market agency or dealer at such stockyard unless (1) the stockyard owner has determined that his services will be beneficial to the business and welfare of said stockyard, its patrons, and customers, which determination shall be made on a basis which is not unreasonable or unjustly discriminatory, and has given written authorization to such person, and (2) he has registered with the Secretary, under such rules and regulations as the Secretary may prescribe, his name and address, the character of business in which he is engaged, and the kinds of stockyards services, if any, which he furnishes at such stockyard. Every other person operating as a market agency or dealer as defined in section 301 of the Act may be required to register in such manner as the Secretary may prescribe. Whoever violates the provisions of this section shall be liable to a penalty of not more than \$500 for each such offense and not more than \$25 for each day it continues, which shall accrue to the United States and may be recovered in a civil action brought by the United States."

(c) Section 304 (7 U.S.C. 205) is amended to read:

"SEC. 304. All stockyard services furnished pursuant to reasonable request made to a stockyard owner or market agency at such stockyard shall be reasonable and nondiscriminatory and stockyard services which are furnished shall not be refused on any basis that is unreasonable or unjustly discriminatory: *Provided*, That in any State where the weighing of livestock at a stockyard is conducted by a duly authorized department or agency of the State, the Secretary, upon application

of such department or agency, may register it as a market agency for the weighing of livestock received in such stockyard, and upon such registration such department or agency and the members thereof shall be amenable to all the requirements of this Act, and upon failure of such department or agency or the members thereof to comply with the orders of the Secretary under this Act he is authorized to revoke the registration of such department or agency and to enforce such revocation as provided in section 315 of this Act."

7 USC 216.

(d) Section 307 (7 U.S.C. 208) is amended to redesignate the first sentence as paragraph "(a)" and to add a new paragraph (b) as follows:

Nondiscriminat-
ing stockyard
management.

"(b) It shall be the responsibility and right of every stockyard owner to manage and regulate his stockyard in a just, reasonable, and nondiscriminatory manner, to prescribe rules and regulations and to require those persons engaging in or attempting to engage in the purchase, sale, or solicitation of livestock at such stockyard to conduct their operations in a manner which will foster, preserve, or insure an efficient, competitive public market. Such rules and regulations shall not prevent a registered market agency or dealer from rendering service on other markets or in occasional and incidental off-market transactions."

(e) Section 312(a) (7 U.S.C. 213(a)) is amended by inserting after the words "in connection with" the phrase "determining whether persons should be authorized to operate at the stockyards, or with".

42 Stat. 167;
72 Stat. 1750.

Approved July 31, 1968.

Public Law 90-447

JOINT RESOLUTION

Making continuing appropriations for the fiscal year 1969, and for other purposes.

July 31, 1968
[H. J. Res. 1420]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 102 of the joint resolution of June 29, 1968 (Public Law 90-366), is hereby amended by striking out "July 31, 1968" and inserting in lieu thereof "September 30, 1968".

Continuing ap-
propriations,
1969.
Ante. p. 276.

Approved July 31, 1968, 7:45 p.m.

Public Law 90-448

AN ACT

August 1, 1968
[S. 3497]

To assist in the provision of housing for low and moderate income families, and to extend and amend laws relating to housing and urban development.

Housing and
Urban Develop-
ment Act of 1968.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Housing and Urban Development Act of 1968".

DECLARATION OF POLICY

63 Stat. 413.
42 USC 1441.

SEC. 2. The Congress affirms the national goal, as set forth in section 2 of the Housing Act of 1949, of "a decent home and a suitable living environment for every American family".

The Congress finds that this goal has not been fully realized for many of the Nation's lower income families; that this is a matter of grave national concern; and that there exist in the public and private sectors of the economy the resources and capabilities necessary to the full realization of this goal.

The Congress declares that in the administration of those housing programs authorized by this Act which are designed to assist families with incomes so low that they could not otherwise decently house themselves, and of other Government programs designed to assist in the provision of housing for such families, the highest priority and emphasis should be given to meeting the housing needs of those families for which the national goal has not become a reality; and in the carrying out of such programs there should be the fullest practicable utilization of the resources and capabilities of private enterprise and of individual self-help techniques.

JOBS IN HOUSING; EMPLOYMENT OPPORTUNITIES FOR LOWER INCOME PERSONS IN CONNECTION WITH ASSISTED PROJECTS

Post, pp. 477,
498.
75 Stat. 150.
12 USC 1715l.
50 Stat. 888.
42 USC 1430.
79 Stat. 451.
12 USC 1749aa
note.

SEC. 3. In the administration of the programs authorized by sections 235 and 236 of the National Housing Act, the below-market interest rate program under section 221(d)(3) of such Act, the low-rent public housing program under the United States Housing Act of 1937, and the rent supplement program under section 101 of the Housing and Urban Development Act of 1965, the Secretary of Housing and Urban Development shall—

(1) require, in consultation with the Secretary of Labor, that to the greatest extent feasible opportunities for training and employment arising in connection with the planning, construction, rehabilitation, and operation of housing assisted under such programs be given to lower income persons residing in the area of such housing; and

(2) require, in consultation with the Administrator of the Small Business Administration, that to the greatest extent feasible contracts for work to be performed pursuant to such programs shall, where appropriate, be awarded to business concerns, including but not limited to individuals or firms doing business in the fields of design, architecture, building construction, rehabilitation, maintenance, or repair, located in or owned in substantial part by persons residing in the area of such housing.

IMPROVED ARCHITECTURAL DESIGN IN GOVERNMENT HOUSING PROGRAMS

SEC. 4. The Congress finds that Federal aids to housing have not contributed fully to improvement in architectural standards. This objective has been contemplated in Federal housing legislation since the establishment of mortgage insurance through the Federal Housing Administration.

The Congress commends the Department of Housing and Urban Development for its recent efforts to improve architectural standards through competitive design awards and in other ways but at the same time recognizes that this important objective requires high priority if Federal aid is to make its full communitywide contribution toward improving our urban environment.

The Congress further finds that even within the necessary budget limitations on housing for low and moderate income families architectural design could be improved not only to make the housing more attractive, but to make it better suited to the needs of occupants.

The Congress declares that in the administration of housing programs which assist in the provision of housing for low and moderate income families, emphasis should be given to encouraging good design as an essential component of such housing and to developing housing which will be of such quality as to reflect its important relationship to the architectural standards of the neighborhood and community in which it is situated, consistent with prudent budgeting.

ANNUAL REPORT ON AREAS OF PROGRAM ADMINISTRATION AND
MANAGEMENT WHICH REQUIRE IMPROVEMENT

SEC. 5. The Secretary shall, as early as practicable in the calendar year 1969 and in the calendar year 1970, make a report to the respective Committees on Banking and Currency of the House of Representatives and the Senate identifying specific areas of program administration and management which require improvement, describing actions taken and proposed for the purpose of making such improvements, and recommending such legislation as may be necessary to accomplish such improvements. Each such report shall include, but not be limited to, the following areas of program administration and management: uniformity and standardization in program requirements, simplification of program procedures, ways and means of expediting consideration of proposed projects and applications for assistance, the provision of more useful and specific assistance to communities, organizations and individuals seeking to utilize the Department's programs, and ways and means of combining or otherwise adapting the Department's programs to increase their usefulness in meeting the individual needs of applicants.

Report to congressional committees.

TITLE I—LOWER INCOME HOUSING

HOMEOWNERSHIP FOR LOWER INCOME FAMILIES

SEC. 101. (a) Title II of the National Housing Act is amended by adding at the end thereof the following new section:

52 Stat. 9.
12 USC 1707-
1715y.

"HOMEOWNERSHIP FOR LOWER INCOME FAMILIES

"SEC. 235. (a) For the purpose of assisting lower income families in acquiring homeownership or in acquiring membership in a cooperative association operating a housing project, the Secretary is authorized to make, and to contract to make, periodic assistance payments on behalf of such homeowners and cooperative members. The assistance shall

be accomplished through payments to mortgagees holding mortgages meeting the special requirements specified in this section.

“(b) To qualify for assistance payments, the homeowner or the cooperative member shall be of lower income and satisfy eligibility requirements prescribed by the Secretary, and—

“(1) the homeowner shall be a mortgagor under a mortgage which meets the requirements of and is insured under subsection (i) or (j) (4) of this section: *Provided*, That a mortgage meeting the requirements of subsection (i) (3) (A) of this section but insured under section 237 may qualify for assistance payments if such mortgage was executed by a mortgagor who is determined not to be an acceptable credit risk for mortgage insurance purposes (but otherwise eligible) under subsection (j) (4) of this section or under section 221(d) (2) or 234(c) and accepted as a reasonably satisfactory credit risk under section 237; or

“(2) the cooperative association of which the family is a member shall operate a housing project the construction or substantial rehabilitation of which has been financed with a mortgage insured under section 213 and which has been completed within two years prior to the filing of the application for assistance payments and the dwelling unit has had no previous occupant other than the family: *Provided*, That if the initial cooperative member receiving assistance payments transfers his membership and occupancy rights to another person who satisfies the eligibility requirements prescribed by the Secretary, such new cooperative member may qualify for assistance payments upon the filing of an application with respect to the dwelling unit involved to be occupied by him: *Provided further*, That assistance payments may be made with respect to a dwelling unit in an existing cooperative project which meets such standards as the Secretary may prescribe, if the family qualifies as a displaced family as defined in section 221(f), or a family which includes five or more minor persons, or a family occupying low-rent public housing: *Provided further*, That the amount of the mortgage attributable to the dwelling unit shall involve a principal obligation not in excess of \$15,000 (\$17,500 in any geographical area where the Secretary authorizes an increase on the basis of a finding that cost levels so require), except that with respect to any family with five or more persons the foregoing limits shall be \$17,500 and \$20,000, respectively.

“(c) The assistance payments to a mortgagee by the Secretary on behalf of a mortgagor shall be made during such time as the mortgagor shall continue to occupy the property which secures the mortgage: *Provided*, That assistance payments may be made on behalf of a homeowner who assumes a mortgage insured under subsection (j) (4) with respect to which assistance payments have been made on behalf of the previous owner, if the homeowner is approved by the Secretary as eligible for receiving such assistance. The payment shall be in an amount not exceeding the lesser of—

“(1) the balance of the monthly payment for principal, interest, taxes, insurance, and mortgage insurance premium due under the mortgage remaining unpaid after applying 20 per centum of the mortgagor's income; or

“(2) the difference between the amount of the monthly payment for principal, interest, and mortgage insurance premium which the mortgagor is obligated to pay under the mortgage and the monthly payment for principal and interest which the mortgagor would be obligated to pay if the mortgage were to bear interest at the rate of 1 per centum per annum.

Post, p. 485.

68 Stat. 599;
75 Stat. 160.
12 USC 1715l,
1715y.

64 Stat. 54.
12 USC 1715e.

68 Stat. 599;
80 Stat. 1317.

“(d) Assistance payments to a mortgagee by the Secretary on behalf of a family holding membership in a cooperative association operating a housing project shall be made only during such time as the family is an occupant of such project and shall be in amounts computed on the basis of the formula set forth in subsection (c) applying the cooperative member's proportionate share of the obligations under the project mortgage to the items specified in the formula.

“(e) The Secretary may include in the payment to the mortgagee such amount, in addition to the amount computed under subsection (c), (d), or (j) (7), as he deems appropriate to reimburse the mortgagee for its expenses in handling the mortgage.

“(f) Procedures shall be adopted by the Secretary for recertifications of the mortgagor's (or cooperative member's) income at intervals of two years (or at shorter intervals where the Secretary deems it desirable) for the purpose of adjusting the amount of such assistance payments within the limits of the formula described in subsection (c).

“(g) The Secretary shall prescribe such regulations as he deems necessary to assure that the sales price of, or other consideration paid in connection with, the purchase by a homeowner of the property with respect to which assistance payments are to be made is not increased above the appraised value on which the maximum mortgage which the Secretary will insure is computed.

“(h) (1) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, including such sums as may be necessary to make the assistance payments under contracts entered into under this section. The aggregate amount of contracts to make such payments shall not exceed amounts approved in appropriation Acts, and payments pursuant to such contracts shall not exceed \$75,000,000 per annum prior to July 1, 1969, which maximum dollar amount shall be increased by \$100,000,000 on July 1, 1969, and by \$125,000,000 on July 1, 1970.

Appropriation.

“(2) Not more than 20 per centum of the total amount of assistance payments authorized to be contracted to be made pursuant to appropriation Acts shall be contracted to be made on behalf of families whose incomes at the time of their initial occupancy exceed 135 per centum of the maximum income limits which can be established in the area, pursuant to the limitations prescribed in sections 2(2) and 15(7) (b) (ii) of the United States Housing Act of 1937, for initial occupancy in public housing dwellings, but the incomes of such families at the time of their initial occupancy shall in no case exceed 90 per centum of the limits prescribed by the Secretary for occupants of projects financed with mortgages insured under section 221(d) (3) which bear interest at the below-market interest rate prescribed in the proviso of section 221(d) (5). The limitations prescribed in this paragraph shall be administered by the Secretary so as to accord a preference to those families whose incomes are within the lowest practicable limits for achieving homeownership with assistance under this section. The Secretary shall report annually to the respective Committees on Banking and Currency of the Senate and House of Representatives with respect to the income levels of families on behalf of which assistance payments have been made under this section.

79 Stat. 457;
63 Stat. 422.
42 USC 1402,
1415.

75 Stat. 150.
12 USC 1715*l*.

75 Stat. 152;
79 Stat. 454.

Report to congressional committees.

“(3) Notwithstanding the provisions of subsections (b) (2) and (i) (3) (A) with respect to the prior construction or rehabilitation of a dwelling, or of the project in which there is a dwelling unit, for which assistance payments may be made, and notwithstanding the provisions of subsection (j) (1) authorizing the purchase of housing which is neither deteriorating nor substandard, not more than—

“(A) 25 per centum of the total amount of contracts for as-

sistance payments authorized by appropriation Acts to be made prior to July 1, 1969,

“(B) 15 per centum of the total additional amount of contracts for assistance payments authorized by appropriation Acts to be made prior to July 1, 1970, and

“(C) 10 per centum of the total additional amount of contracts for assistance payments authorized by appropriations Acts to be made prior to July 1, 1971,

may be made with respect to existing dwellings, or dwelling units in existing projects.

“(i) (1) The Secretary is authorized, upon application by the mortgagee, to insure a mortgage executed by a mortgagor who meets the eligibility requirements for assistance payments prescribed by the Secretary under subsection (b). Commitments for the insurance of such mortgages may be issued by the Secretary prior to the date of their execution or disbursement thereon, upon such terms and conditions as the Secretary may prescribe.

“(2) To be eligible for insurance under this subsection, a mortgage shall meet the requirements of section 221(d)(2) or 234(c), except as such requirements are modified by this subsection.

“(3) A mortgage to be insured under this subsection shall—

“(A) involve a single-family dwelling which has been approved by the Secretary prior to the beginning of construction or substantial rehabilitation, or a two-family dwelling one of the units of which is to be occupied by the owner if the dwelling is purchased with the assistance of a nonprofit organization and is approved by the Secretary prior to the beginning of substantial rehabilitation, or a one-family unit in a condominium project (together with an undivided interest in the common areas and facilities serving the project) which is released from a multi-family project, the construction or substantial rehabilitation of which has been completed within two years prior to the filing of the application for assistance payments with respect to such family unit and the unit has had no previous occupant other than the mortgagor: *Provided*, That the mortgage may involve an existing dwelling or a family unit in an existing condominium project which meets such standards as the Secretary may prescribe, if the mortgagor qualifies as a displaced family as defined in section 221(f), or a family which includes five or more minor persons, or a family occupying low-rent public housing: *Provided further*, That the mortgage may involve an existing dwelling or a family unit in an existing condominium project if assistance payments have been made on behalf of the previous owner of the dwelling or family unit with respect to a mortgage insured under subsection (j)(4): *Provided further*, That the mortgage may involve a dwelling unit in an existing project covered by a mortgage insured under section 236 or in an existing project receiving the benefits of financial assistance under section 101 of the Housing and Urban Development Act of 1965;

“(B) where it is to cover a one-family unit in a condominium project, have a principal obligation not exceeding \$15,000 (\$17,500 in any geographical area where the Secretary authorizes an increase on the basis of a finding that cost levels so require), except that with respect to any family with five or more persons the foregoing limits shall be \$17,500 and \$20,000, respectively; and

“(C) be executed by a mortgagor who shall have paid (i) in the case of any family whose income is not in excess of 135 per centum of the maximum income limits which can be established

68 Stat. 599;
75 Stat. 160.
12 USC 1715l,
1715y.

68 Stat. 599;
80 Stat. 1317.

Post, p. 498.

79 Stat. 451.
12 USC 1701s.

in the area, pursuant to the limitations prescribed in sections 2(2) and 15(7)(b)(ii) of the United States Housing Act of 1937, for initial occupancy in public housing dwellings, at least \$200, or (ii) in the case of any other family, at least 3 per centum (or such larger amount as the Secretary may require) of the Secretary's estimate of the cost of acquisition, which amount (in cash or its equivalent) in either instance may be applied for the payment of settlement costs and initial payments for taxes, hazard insurance, mortgage insurance premiums, and other prepaid expenses.

79 Stat. 457;
63 Stat. 422.
42 USC 1402,
1415.

"(j)(1) In addition to mortgages insured under the provisions of subsection (i), the Secretary is authorized, upon application by the mortgagee, to insure a mortgage (including advances under such mortgage during rehabilitation) which is executed by a nonprofit organization or public body or agency to finance the purchase of housing, and the rehabilitation of such housing if it is deteriorating or substandard, for subsequent resale to lower income home purchasers who meet the eligibility requirements for assistance payments prescribed by the Secretary under subsection (b). Commitments for the insurance of such mortgages may be issued by the Secretary prior to the date of their execution or disbursement thereon, upon such terms and conditions as the Secretary may prescribe.

"(2) To be eligible for insurance under paragraph (1) of this subsection, a mortgage shall—

"(A) be executed by a private nonprofit organization or public body or agency, approved by the Secretary, for the purpose of financing the purchase (with the intention of subsequent resale), and rehabilitation where the housing involved is deteriorating or substandard, of property comprising one or more tracts or parcels, whether or not contiguous, consisting of (i) four or more single-family dwellings of detached, semidetached, or row construction, or (ii) four or more one-family units in a structure or structures for which a plan of family unit ownership approved by the Secretary is established; except that in a case not involving the rehabilitation of deteriorating or substandard housing the property purchased may consist of one or more such dwellings or units;

"(B) be in a principal amount not exceeding the appraised value of the property at the time of its purchase under the mortgage plus the estimated cost of any rehabilitation;

"(C) bear interest (exclusive of premium charges for insurance and service charge, if any) at not to exceed such per centum per annum (not in excess of 6 per centum), on the amount of the principal obligation outstanding at any time, as the Secretary finds necessary to meet the mortgage market;

"(D) provide for complete amortization (subject to paragraph (4)(E)) by periodic payments within such term as the Secretary may prescribe; and

"(E) provide for the release of individual single-family dwellings from the lien of the mortgage upon their sale in accordance with paragraph (4).

"(3) No mortgage shall be insured under paragraph (1) unless the mortgagor shall have demonstrated to the satisfaction of the Secretary that (A) the property involved is located in a neighborhood which is sufficiently stable and contains sufficient public facilities and amenities to support long-term values, or (B) the purchase or rehabilitation of such property plus the mortgagor's related activities and the activities of other owners of housing in the neighborhood, together with actions to be taken by public authorities, will be of such scope

and quality as to give reasonable promise that a stable environment will be created in the neighborhood.

"(4) (A) No mortgage shall be insured under paragraph (1) unless the mortgagor enters into an agreement, satisfactory to the Secretary, that it will offer to sell the dwellings involved, after purchase and upon completion of any rehabilitation, to lower income individuals or families meeting the eligibility requirements established by the Secretary under subsection (b).

"(B) The Secretary is authorized to insure under this paragraph mortgages executed to finance the sale of individual dwellings to lower income purchasers as provided in subparagraph (A). Any such mortgage shall—

"(i) be in a principal amount not in excess of that portion of the unpaid principal balance of the blanket mortgage covering the property which is allocable to the individual dwelling involved;

"(ii) bear interest at the same rate as the blanket mortgage; and

"(iii) provide for complete amortization by periodic payments within a term equal to the remaining term (determined without regard to subparagraph (E)) of such blanket mortgage.

"(C) The price for which any individual dwelling is sold under this paragraph shall be in an amount equal to that portion of the unpaid principal balance of the blanket mortgage covering the property which is allocable to the dwelling plus such additional amount, not less than \$200 (which may be applied in whole or in part toward closing costs and may be paid in cash or its equivalent), as the Secretary may determine to be reasonable.

"(D) Upon the sale under this paragraph of any individual dwelling, such dwelling shall be released from the lien of the blanket mortgage. Until all of the individual dwellings in the property covered by the blanket mortgage have been sold, the mortgagor shall hold and operate the dwellings remaining unsold at any given time, in such manner and under such terms as the Secretary may prescribe, as though they constituted rental units.

"(E) Upon the sale under this paragraph of all the individual dwellings in the property covered by the blanket mortgage and the release of all individual dwellings from the lien of the blanket mortgage, the insurance of the blanket mortgage shall be terminated and no adjusted premium charge shall be charged by the Secretary upon such termination.

Definitions.

"(5) Where the Secretary has approved a plan of family unit ownership the terms 'single-family dwelling', 'single-family dwellings', 'individual dwelling', and 'individual dwellings' shall mean a family unit or family units, together with the undivided interest (or interests) in the common areas and facilities.

"(6) For purposes of this subsection, the terms 'single-family dwelling' and 'single-family dwellings' (except for purposes of paragraph (5)) shall include a two-family dwelling which has been approved by the Secretary if one of the units is to be occupied by the owner.

"(7) In addition to the assistance payments authorized under subsection (b), the Secretary may make such payments to a mortgagee on behalf of a nonprofit organization or public body or agency which is a mortgagor under the provisions of paragraph (1) in an amount not exceeding the difference between the monthly payment for principal, interest, and mortgage insurance premium which the mortgagor is obligated to pay under the mortgage and the monthly payment for

principal and interest such mortgagor would be obligated to pay if the mortgage were to bear interest at the rate of 1 per centum per annum.

“(8) A mortgage covering property which is not deteriorating or substandard may be insured under this subsection only if it is situated in an area in which mortgages may be insured under section 221(h). *Intra.*

“(k) The Secretary shall from time to time allocate and transfer to the Secretary of Agriculture, for use (in accordance with the terms and conditions of this section) in rural areas and small towns, a reasonable portion of the total authority to contract to make assistance payments as approved in appropriation Acts under subsection (h) (1).

“(1) In determining the income of any person for the purposes of this section, there shall be deducted an amount equal to \$300 for each minor person who is a member of the immediate family of such person and living with such family, and the earnings of any such minor person shall not be included in the income of such person or his family.”

(b) (1) Section 221(d) (2) (A) of the National Housing Act is amended—

75 Stat. 149;
80 Stat. 1268.
12 USC 1715l.

(A) by striking out “not to exceed (i) \$12,500” and inserting in lieu thereof “not to exceed (i) \$15,000 (or \$17,500, if the mortgagor’s family includes five or more persons)”; and

(B) by striking out “not to exceed \$15,000” in the second proviso and inserting in lieu thereof “not to exceed \$17,500 (or \$20,000 if the mortgagor’s family includes five or more persons)”.

(2) Section 221(d) (2) (B) of such Act is amended—

(A) by inserting “, in cash or its equivalent” before the semicolon after “acquisition cost” in the first proviso; and

(B) by inserting before the semicolon after “appraised value” at the end thereof the following: “: *Provided further*, That, if the mortgagor is the owner and an occupant of the property, such mortgagor shall to the maximum extent feasible be given the opportunity to contribute the value of his labor as equity in such dwelling”.

(c) (1) Section 221(h) (5) (B) (ii) of such Act is amended to read as follows:

80 Stat. 1269.

“(ii) bear interest at the same rate as the principal mortgage or such lower rate, not less than 1 per centum, as the Secretary may prescribe if in his judgment the purchaser’s income is sufficiently low to justify the lower rate, and provide for complete amortization within a term equal to the remaining term (determined without regard to subparagraph (E)) of such principal mortgage: *Provided*, That, if the rate of interest initially prescribed is less than the rate borne by the principal mortgage and the purchaser’s income (as determined on the basis of periodic review) subsequently rises, the rate of interest so prescribed shall be increased (but not above the rate borne by such principal mortgage), under regulations of the Secretary, to the extent appropriate to reflect the increase in such income, and the mortgage shall so provide.”

“(2) Section 221(h) (4) of such Act is amended by striking out “\$20,000,000” and inserting in lieu thereof “\$50,000,000”.

(3) Section 221(h) of such Act is further amended by adding at the end thereof the following new paragraph:

“(6) In addition to the mortgages that may be insured under paragraphs (1) and (5), the Secretary is authorized to insure under this subsection at any time within one year after the date of the enactment of this paragraph, upon such terms and conditions as he may prescribe,

mortgages which are executed by individuals or families that meet the income criteria prescribed in paragraph (5) (A) and are executed for the purpose of financing the rehabilitation or improvement of single-family dwellings of detached, semidetached, or row construction that are owned and occupied in each instance by a mortgagor who has purchased the dwelling from a nonprofit organization of the type described in this subsection. To be eligible for such insurance, a mortgage shall—

“(A) be in a principal amount not exceeding the lesser of \$15,000 or the sum of the estimated cost of repair and rehabilitation and the Secretary’s estimate of the value of the property before repair and rehabilitation, except that in no case involving refinancing shall such mortgage exceed such estimated cost of repair and rehabilitation and the amount (as determined by the Secretary) required to refinance existing indebtedness secured by the property;

“(B) bear interest (exclusive of premium charges for insurance and service charge, if any) at 3 per centum per annum or such lower rate, not less than 1 per centum, as the Secretary may prescribe if in his judgment the mortgagor’s income is sufficiently low to justify the lower rate: *Provided*, That, if the rate of interest initially prescribed is less than 3 per centum per annum and the mortgagor’s income (as determined on the basis of periodic review) subsequently rises, the rate shall be increased (but not above 3 per centum), under regulations of the Secretary, to the extent appropriate to reflect the increase in such income, and the mortgage shall so provide;

“(C) involve a mortgagor that shall have paid on account of the property at the time of the rehabilitation such amount (which shall not be less than \$200 in cash or its equivalent, but which may be applied in whole or in part toward closing costs) as the Secretary may determine to be reasonable and appropriate under the circumstances; and

“(D) contain a provision that, if the low-income mortgagor does not continue to occupy the property, the interest rate shall increase to the highest rate permissible under this section and the regulations of the Secretary effective at the time the commitment was issued for insurance of the mortgage; except that the increase in interest rate shall not be applicable if the property is sold and the purchaser is (i) a nonprofit organization which has been engaged in purchasing and rehabilitating deteriorating and substandard housing with financing under a mortgage insured under paragraph (1) of this subsection, (ii) a public housing agency having jurisdiction under the United States Housing Act of 1937 over the area where the dwelling is located, or (iii) a low-income purchaser approved for the purposes of this paragraph by the Secretary.”

(4) The purchase of any individual dwelling, sold by a nonprofit organization pursuant to the provisions of section 221(h) (5) of the National Housing Act after the date of enactment of this section, may be financed with a mortgage insured under the provisions of section 235(j) (4) of such Act, but such mortgage shall bear interest at the rate provided in section 235(j) (2) (C) of such Act.

(d) Section 212(a) of such Act is amended by inserting “or section 235(j) (1)” after “subsection (h) (1)” each place it appears.

(e) The Secretary of Housing and Urban Development is authorized to provide, or contract with public or private organizations to provide, such budget, debt management, and related counseling

50 Stat. 888.
42 USC 1430.

80 Stat. 1269.
12 USC 1715f.
Ante, p. 477.

53 Stat. 807;
80 Stat. 1270.
12 USC 1715c.
Counseling
services.

services to mortgagors whose mortgages are insured under section 235(i) or 235(j) (4) of the National Housing Act as he determines to be necessary to assist such mortgagors in meeting the responsibilities of homeownership. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subsection.

Ante, p. 477.

Appropriation.

CREDIT ASSISTANCE

SEC. 102. (a) Title II of the National Housing Act is amended by adding after section 236 (as added by section 201 of this Act) the following new section:

12 USC 1707-1715y.

"SPECIAL MORTGAGE INSURANCE ASSISTANCE

"SEC. 237. (a) The purpose of this section is to help provide adequate housing for families of low and moderate income, including those who, for reasons of credit history, irregular income patterns caused by seasonal employment, or other factors, are unable to meet the credit requirements of the Secretary for the purchase of a single-family home financed by a mortgage insured under section 203, 220, 221, 234, or 235(j) (4), but who, through the incentive of homeownership and counseling assistance, appear to be able to achieve homeownership.

12 USC 1709, 1715k, 1715l, 1715y; *Ante*, p. 477.

"(b) The Secretary is authorized upon application by the mortgagee to insure under this section any mortgage meeting the requirements of this section.

"(c) To be eligible for insurance under this section, a mortgage shall—

"(1) meet the requirements of section 203 (except subsection (m)), 220(d) (3) (A), 221(d) (2), 221(h) (5), 221(i), 234(c), or 235(j) (4), except as such requirements are modified by this section;

"(2) involve a principal obligation (including such initial service charges, and such appraisal, inspection, and other fees, as the Secretary shall approve) in an amount not to exceed \$15,000: *Provided*, That the Secretary may increase the amount to not exceed \$17,500 in any geographical area where he finds that cost levels so require: *Provided further*, That no mortgage meeting the requirements of section 203(h) or 203(i) shall be eligible for insurance under this section if its principal obligation is in excess of the maximum limits prescribed in such section;

"(3) be executed by a mortgagor who the Secretary has determined, after a full and complete study of the case, would not be an acceptable credit risk for mortgage insurance purposes under sections 203, 220, 221, 234, or 235(j) (4), because of his credit standing, debt obligations, total annual income, or income characteristics, but who the Secretary is satisfied would be a reasonably satisfactory credit risk, consistent with the objectives stated in subsection (a), if he were to receive budget, debt management, and related counseling: *Provided*, That, in determining whether the mortgagor is a reasonably satisfactory credit risk, the Secretary shall review the credit history of the applicant giving special consideration to those delinquent accounts which were ultimately paid by the applicant and to extenuating factors which may have caused credit accounts of the applicant to become delinquent; and the Secretary shall also give special consideration to income characteristics of applicants whose total income over the two years prior to their applications has remained at levels of eligibility (as required under paragraph (4) of this subsection), but who,

because of the character of their seasonal employment or for other reasons, have not maintained continuous employment under one employer during that time; and

“(4) require monthly payments which, in combination with local real estate taxes on the property involved, do not exceed 25 per centum of the applicant's income, based on his average monthly income during the year prior to his application or the average monthly income during the three years prior to his application, whichever is higher.

Application
preferences.

“(d) The Secretary shall give preference in approving mortgage insurance applications under this section to families living in public housing units, especially those families required to leave public housing because their incomes have risen beyond the maximum prescribed income limits, and families eligible for residence in public housing who have been displaced from federally assisted urban renewal areas.

Counseling
services.

“(e) The Secretary is authorized to provide, or contract with public or private organizations to provide, such budget, debt management, and related counseling services to mortgagors whose mortgages are insured under this section as he determines to be necessary to meet the objectives of this section. The Secretary may also provide such counseling to otherwise eligible families who lack sufficient funds to supply a down payment to help them to save an amount necessary for that purpose.

“(f) The aggregate principal balance of all mortgages insured under this section and outstanding at one time shall not exceed \$200,000,000.

Appropriation.

“(g) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of subsection (e) of this section.”

68 Stat. 607.
12 USC 1715g.

(b) Section 226 of the National Housing Act is amended by inserting “235(i), 237,” after “234.”

RELAXATION OF MORTGAGE INSURANCE REQUIREMENTS IN CERTAIN URBAN NEIGHBORHOODS

68 Stat. 605.
12 USC 1715n.

SEC. 103. (a) Section 223 of the National Housing Act is amended by adding at the end thereof a new subsection as follows:

53 Stat. 807.
12 USC 1715c.

“(e) Notwithstanding any of the provisions of this title except section 212, and without regard to limitations upon eligibility contained in any section of this title, the Secretary is authorized, upon application by the mortgagee, to insure under any section of this title a mortgage executed in connection with the repair, rehabilitation, construction, or purchase of property located in an older, declining urban area in which the conditions are such that one or more of the eligibility requirements applicable to the section of this title under which insurance is sought could not be met, if the Secretary finds that (1) the area is reasonably viable, giving consideration to the need for providing adequate housing for families of low and moderate income in such area, and (2) the property is an acceptable risk in view of such consideration. The insurance of a mortgage pursuant to this subsection shall be the obligation of the Special Risk Insurance Fund.”

Repeal.
80 Stat. 1266.
12 USC 1709.

(b) Section 203(1) of such Act is repealed.

SPECIAL RISK INSURANCE FUND

12 USC 1707-
1715y.

SEC. 104. (a) Title II of the National Housing Act is amended by adding after section 237 (as added by section 102 of this Act) the following new section:

"PAYMENT OF INSURANCE—SPECIAL RISK INSURANCE FUND

"SEC. 238. (a) (1) Any mortgagee under a mortgage insured under section 235 (i), 235 (j) (4), or 237 shall be entitled to receive the benefits of the insurance as provided in section 204 (a) with respect to mortgages insured under section 203. The provisions of subsections (b), (c), (d), (g), (j), and (k) of section 204 shall be applicable to mortgages insured under section 235 (i), 235 (j) (4), or 237, except that all references therein to the 'Mutual Mortgage Insurance Fund' shall be construed to refer to the 'Special Risk Insurance Fund', and all references therein to section 203 shall be construed to refer to section 235 (i), 235 (j) (4), or 237, as may be appropriate.

Ante, pp. 477,
485.
12 USC 1710.
12 USC 1709.

"(2) Any mortgagee under a mortgage insured under section 235 (j) (1) or 236 shall be entitled to receive the benefits of insurance as provided in section 207 (g) with respect to mortgages insured under section 207. The provisions of subsections (d), (e), (h), (i), (j), (k), (l), and (n) of section 207 shall be applicable to mortgages insured under section 235 (j) (1) or 236, except that all references therein to the 'General Insurance Fund' shall be construed to refer to the 'Special Risk Insurance Fund' and the premium charge provided in section 207 (d) shall be payable only in cash or debentures of the Special Risk Insurance Fund.

Post, p. 498.

52 Stat. 9.
12 USC 1713.

"(3) In lieu of the amount of insurance benefits computed pursuant to paragraph (1) or (2) of this subsection the Secretary, in his discretion and in accordance with such regulations as he may prescribe, may (with respect to any mortgage loan acquired by him) compute and pay insurance benefits to the mortgagee in a total amount equal to the unpaid principal balance of the loan plus any accrued interest and any advances approved by the Secretary and made previously by the mortgagee under the provisions of the mortgage.

"(b) There is hereby created a Special Risk Insurance Fund (hereinafter referred to as the 'fund') which shall be used by the Secretary as a revolving fund for carrying out the mortgage insurance obligations of sections 223 (e), 233 (a) (2), 235, 236, and 237, and the Secretary is hereby authorized to advance to the fund the sum of \$5,000,000 from the General Insurance Fund established pursuant to the provisions of section 519. Such advance shall be repayable at such times and at such rates of interest as the Secretary deems appropriate. Premium charges, adjusted premium charges, inspection and other fees, service charges, and any other income received by the Secretary under sections 223 (e), 233 (a) (2), 235, 236, and 237, together with all earnings on the assets of the fund, shall be credited to the fund. All payments made pursuant to claims of mortgagees with respect to mortgages insured under sections 233 (a) (2), 235, 236, and 237 or pursuant to section 223 (e), cash adjustments, the principal of and interest paid on debentures which are the obligation of the fund, expenses incurred in connection with or as a consequence of the acquisition and disposal of property acquired under such sections, and all administrative expenses in connection with the mortgage insurance operations under such sections shall be paid out of the fund. There is authorized to be appropriated such sums as may be needed from time to time to cover losses sustained by the fund in carrying out the mortgage insurance obligations of sections 223 (e), 233 (a) (2), 235, 236, and 237. Moneys in the fund not needed for current operations of the fund shall be deposited with the Treasurer of the United States to the credit of the fund or invested in bonds or other obligations of, or in bonds or other obligations guaranteed by, the United States. The Secretary, with the approval of the Secretary of the Treasury, may purchase in the open

Ante, p. 486;
Post, p. 496.

79 Stat. 471.
12 USC 1735c.

market debentures which are the obligation of the fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtained from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued."

68 Stat. 606.
12 USC 1715o.

(b) Section 224 of such Act is amended by striking out "or section 233" and inserting in lieu thereof "section 233, or section 238".

79 Stat. 472.
12 USC 1735c.

(c) Section 519(e) of such Act is amended by inserting after "section 213(k)" the following: ", or the provisions of sections 223(e), 233(a) (2), 235, 236 and 237".

CONDOMINIUM AND COOPERATIVE OWNERSHIP FOR LOW AND MODERATE INCOME FAMILIES

68 Stat. 599.
12 USC 1715l.

SEC. 105. (a) Section 221 of the National Housing Act is amended by adding at the end thereof two new subsections as follows:

"(i) (1) The Secretary is authorized, with respect to any project involving a mortgage insured under subsection (d) (3) which bears interest at the below-market interest rate prescribed in the proviso of subsection (d) (5), to permit a conversion of the ownership of such project to a plan of family unit ownership. Under such plan, each family unit shall be eligible for individual ownership and provision shall be included for the sale of the family units, together with an undivided interest in the common areas and facilities which serve the project, to low or moderate income purchasers. The Secretary shall obtain such agreements as he determines to be necessary to assure continued maintenance of the common areas and facilities. Upon such sale, the family unit and the undivided interest in the common areas shall be released from the lien of the project mortgage.

"(2) (A) The Secretary is authorized, upon application by the mortgagee, to insure under this subsection mortgages financing the purchase of individual family units under the plan prescribed in paragraph (1). Commitments may be issued by the Secretary for the insurance of such mortgages prior to the date of their execution or disbursement thereon, upon such terms and conditions as the Secretary may prescribe. To be eligible for such insurance, the mortgage shall—

"(i) be executed by a mortgagor having an income within the limits prescribed by the Secretary for occupants of projects financed with a mortgage insured under subsection (d) (3) which bears interest at the below-market rate prescribed in the proviso of subsection (d) (5);

"(ii) involve a principal obligation (including such initial service charges, and such appraisal, inspection, and other fees, as the Secretary shall approve) in an amount not to exceed the Secretary's estimate of the appraised value of the family unit, including the mortgagor's interest in the common areas and facilities, as of the date the mortgage is accepted for insurance;

"(iii) bear interest at a rate determined by the Secretary (which may vary in accordance with the regulations of the Secretary promulgated pursuant to the last sentence of paragraph (4) of this subsection) but not less than the below-market rate in effect under the proviso of subsection (d) (5) at the date of the commitment for insurance; and

"(iv) provide for complete amortization by periodic payments within such term as the Secretary may prescribe, but not to exceed the lesser of forty years from the beginning of amortization of the mortgage or three-quarters of the Secretary's estimate of the remaining economic life of the building improvements.

“(B) The price for which the individual family unit is sold to the low or moderate income purchaser shall not exceed the appraised value of the property, as determined under subparagraph (A)(ii), except that the purchaser shall be required to pay on account of the property at the time of purchase at least such amount, in cash or its equivalent (which shall be not less than 3 per centum of such price, but which may be applied in whole or in part toward closing costs), as the Secretary may determine to be reasonable and appropriate.

“(3) Upon the sale of all of the family units covered by the project mortgage, and the release of all of the family units (including the undivided interest allocable to each unit in the common areas and facilities) from the lien of the project mortgage, the insurance of the project mortgage shall be terminated and no adjusted premium charge shall be collected by the Secretary upon such termination.

“(4) Any mortgage covering an individual family unit insured under this subsection shall contain a provision that, if the original mortgagor does not continue to occupy the property, the interest rate shall increase to the highest rate permissible under this section and the regulations of the Secretary effective at the time the commitment was issued for the insurance of the project mortgage; except that the requirement for an increase in interest rate shall not be applicable if the property is sold and the purchaser is (i) a nonprofit purchaser approved by the Secretary, or (ii) a low or moderate income purchaser who has an income within the limits prescribed by the Secretary for occupants of projects financed with a mortgage insured under subsection (d)(3) which bears interest at the below-market rate prescribed in the proviso of subsection (d)(5). The mortgage shall also contain a provision that, if the Secretary determines that the annual income of the original mortgagor (or a purchaser described in clause (ii) of the preceding sentence) has increased to an amount enabling payment of a greater rate of interest, the interest rate of the individual mortgage may be increased up to the highest rate permissible under the regulations of the Secretary for mortgages insured under this section, effective at the time the commitment was issued for the insurance of the mortgage.

Interest rate,
increase.

“(5) For the purpose of this subsection—

“(i) the term ‘mortgage’, when used in relation to a mortgage insured under paragraph (2) of this subsection, includes a first mortgage given to secure the unpaid purchase price of a fee interest in, or a long-term leasehold interest in, a one-family unit in a multifamily project and an undivided interest in the common areas and facilities which serve the project; and

“Mortgage.”

“(ii) the term ‘common areas and facilities’ includes the land and such commercial, community, and other facilities as are approved by the Secretary.

“Common areas
and facilities.”

“(j)(1) The Secretary is authorized, with respect to any rental project involving a mortgage insured under subsection (d)(3) which bears interest at the below-market interest rate prescribed in the proviso of subsection (d)(5), to permit a conversion of the ownership of such project to a cooperative approved by the Secretary. Membership in such cooperative shall be made available only to those families having an income within the limits prescribed by the Secretary for occupants of projects financed with a mortgage insured under subsection (d)(3) which bears interest at such below-market rate: *Provided*, That families residing in the rental project at the time of its conversion to a cooperative who do not meet such income limits may be permitted to become members in the cooperative under such special terms and conditions as the Secretary may prescribe.

Cooperative
ownership, con-
version.

Cooperative
mortgages, in-
surance.

"(2) The Secretary is authorized, upon application by the mortgagee, to insure under this subsection cooperative mortgages financing the purchase of projects meeting the requirements of paragraph (1). Commitments may be issued by the Secretary for the insurance of such mortgages prior to the date of their execution or disbursement thereon, upon such terms and conditions as the Secretary may prescribe. To be eligible for such insurance, the mortgage shall—

"(i) involve a principal obligation (including such initial service charges and appraisal, inspection, and other fees as the Secretary shall approve) in an amount not exceeding the appraised value of the property for continued use as a cooperative, which value shall be based upon a mortgage amount on which the debt service can be met from the income of the property when operated on a nonprofit basis, after the payment of all operating expenses, taxes, and required reserves;

"(ii) bear interest at the below-market rate prescribed in the proviso of subsection (d) (5); and

"(iii) provide for complete amortization within such term as the Secretary may prescribe."

68 Stat. 599.
12 USC 1715l.

(b) Section 221 (g) (1) of such Act is amended by striking out "or paragraph (5) of subsection (h) of this section" and inserting in lieu thereof "paragraph (5) of subsection (h) of this section, or paragraph (2) of subsection (i) of this section".

(c) Section 221 (g) (2) of such Act is amended by striking out "or paragraph (1) of subsection (h)" and inserting in lieu thereof "paragraph (1) of subsection (h) of this section, or paragraph (2) of subsection (j)".

(d) Section 221 (f) of such Act is amended by inserting after "subsection (h)" in the third sentence of the second paragraph the following: ", (i), or (j)".

ASSISTANCE TO NONPROFIT SPONSORS OF LOW AND MODERATE INCOME HOUSING

SEC. 106. (a) The Secretary of Housing and Urban Development is authorized to provide, or contract with public or private organizations to provide, information, advice, and technical assistance with respect to the construction, rehabilitation, and operation by nonprofit organizations of housing for low or moderate income families. Assistance by the Secretary may include—

(1) the assembly, correlation, publication, and dissemination of information with respect to the construction, rehabilitation, and operation of low and moderate income housing, and

(2) the provision of advice and technical assistance with respect to the construction, rehabilitation, and operation of low and moderate income housing.

Loans.

(b) (1) The Secretary is authorized to make loans to nonprofit organizations for the necessary expenses, prior to construction, in planning, and obtaining financing for, the rehabilitation or construction of housing for low or moderate income families under any federally assisted program. Such loans shall be made without interest and shall not exceed 80 per centum of the reasonable costs expected to be incurred in planning, and in obtaining financing for, such housing prior to the availability of financing, including, but not limited to, preliminary surveys and analyses of market needs, preliminary site engineering and architectural fees, site acquisition, application and mortgage commitment fees, and construction loan fees and discounts. The Secretary shall require repayment of loans made under this subsection, under

such terms and conditions as he may require, upon completion of the project or sooner, and may cancel any part or all of a loan if he determines that it cannot be recovered from the proceeds of any permanent loan made to finance the rehabilitation or construction of the housing.

(2) The Secretary shall determine prior to the making of any loan that the nonprofit organization meets such requirements with respect to financial responsibility and stability as he may prescribe.

(3) There are authorized to be appropriated for the purposes of this subsection not to exceed \$7,500,000 for the fiscal year ending June 30, 1969, and not to exceed \$10,000,000 for the fiscal year ending June 30, 1970. Any amounts so appropriated shall remain available until expended, and any amounts authorized for any fiscal year under this paragraph but not appropriated may be appropriated for any succeeding fiscal year.

Appropriation.

(4) All funds appropriated for the purposes of this subsection shall be deposited in a fund which shall be known as the Low and Moderate Income Sponsor Fund, and which shall be available without fiscal year limitation and be administered by the Secretary as a revolving fund for carrying out the purposes of this subsection. Sums received in repayment of loans made under this subsection shall be deposited in such fund.

Low and Moderate Income Sponsor Fund.

NATIONAL HOMEOWNERSHIP FOUNDATION

SEC. 107. (a) (1) There is hereby created a body corporate to be known as the "National Homeownership Foundation" (hereinafter referred to as the "Foundation") to carry out a continuing program of encouraging private and public organizations at the national, community, and neighborhood levels to provide increased homeownership and housing opportunities in urban and rural areas for lower income families through such means as—

(A) encouraging the investment in, and sponsoring of, housing for lower income families;

(B) encouraging the establishment of programs of assistance and counseling to lower income families to enable them better to achieve and afford adequate housing;

(C) providing a broad range of technical assistance through publications and advisory services to public and private organizations which are carrying out, or are desirous of carrying out, programs to expand homeownership and housing opportunities for lower income families; and

(D) providing grants and loans to public and private organizations carrying out homeownership and housing opportunity programs for lower income families to help cover some of the expenses of such programs.

(2) The Foundation shall be deemed to be a corporation without members organized and established under the provisions of the District of Columbia Nonprofit Corporation Act, with all the rights, powers, and responsibilities thereof except as limited by this section and any amendments thereto. This section shall constitute the articles of incorporation and charter of the Foundation, which shall not be an agency or instrumentality of the United States Government. The Congress expressly reserves the exclusive right to alter or amend this charter. The Foundation shall have succession until dissolved by Act of Congress. The Foundation shall maintain its principal office in the District of Columbia.

(3) No part of the net earnings of the Foundation shall inure to the benefit of any private person, and no substantial part of its activities shall be devoted to attempting to influence legislation. The Founda-

76 Stat. 265.
D.C. Code 29-1001.

Administration as a charitable and educational foundation.

tion shall not participate or intervene in any political campaign on behalf of any candidate for public office. The Foundation shall be operated and administered at all times as a charitable and educational foundation.

(4) No employee or officer of the Foundation shall receive compensation in excess of that received by or hereafter prescribed by law for heads of executive departments.

Contract authority.

(5) The Foundation shall make maximum use of existing public and private agencies and programs, and in carrying out its functions the Foundation is authorized to contract with individuals, private corporations, organizations, and associations, and with agencies of the Federal, State, and local governments.

Acceptance of grants, etc.

(6) The Foundation is authorized to receive donations and grants from individuals and from public and private organizations, foundations, and agencies.

(7) The Foundation may use only donated funds, or funds derived from payment of interest on loans made by it, for the principal and interest payments on any borrowings.

Board of Directors.

(b) (1) The Foundation shall have a Board of Directors consisting of eighteen members, fifteen of whom shall be appointed by the President of the United States, with the advice and consent of the Senate. The other three members shall be, ex officio, the Secretary of Housing and Urban Development, the Secretary of Agriculture, and the Director of the Office of Economic Opportunity. The President shall appoint one of the fifteen appointed members to serve as Chairman of the Board during his term of office as a member.

Terms of office.

(2) Within thirty days after the date of enactment of this Act, the President shall appoint the fifteen appointed members of the Board. Not more than five of such members shall, at the time of their appointment, be serving full time as officers or employees of the Federal Government, or as officers or employees of any State or local government. Each appointed member of the Board shall hold office for a term of three years, except that (A) any member appointed to fill a vacancy prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (B) the terms of the members first taking office shall expire, as designated by the President at the time of appointment, five at the end of the first year, five at the end of the second year, and five at the end of the third year after the date of appointment. Members of the Board, however appointed, shall be eligible for reappointment, but at no time shall there be more than five members of the Board who at the time of their appointment or reappointment were full-time officers or employees of the Federal Government or of any State or local government.

Compensation, travel expenses.

(3) Appointed members of the Board who are not employees of the Federal Government, while attending meetings or conferences of the Board or otherwise serving on business of the Board, shall be entitled to receive compensation at rates fixed by the President, but not exceeding \$100 per day, including travel time, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

80 Stat. 499.

Executive Director.

(4) The Board shall appoint an Executive Director of the Foundation. The Executive Director shall be the chief executive officer of the Foundation and shall serve at the pleasure of the Board, and all other executive officers and employees of the Board shall be responsible to him. The Board shall also cause to be appointed a secretary, a treasurer, and such other officers as may be necessary to conduct

properly the business of the Foundation, and shall provide for filling vacancies in such offices.

(5) The Board shall adopt bylaws for the Foundation which shall be made available for public inspection upon request.

(c) (1) The Foundation shall assist public and private organizations, at their request, in initiating, developing, and conducting programs to expand homeownership and housing opportunities for lower income families. To provide such assistance and to carry out the purposes of this section, the Foundation is authorized to—

Functions.

(A) carry out a continuing program of encouraging private and public organizations at the national, community, and neighborhood levels in the establishment of such programs;

(B) assist in the formation of organizations the purpose of which is the development and carrying out of such programs, including the establishment of local development funds for financing housing for lower income families through the pooling of moneys from private sources;

(C) identify and arrange for the technical and managerial assistance and personnel needed for the successful operation of such programs by public and private organizations;

(D) assist public and private organizations in obtaining the mortgage financing, insurance, and other requirements or aids necessary for conducting programs of housing construction, rehabilitation, or improvement for lower income families;

(E) arrange for, or provide on a limited basis, training for persons in the skills needed in administering programs of homeownership and housing opportunity for lower income families;

(F) encourage research and innovation, and collect and make available such information as may be desirable to further the purposes of this section, including but not limited to such activities as the sponsoring of seminars, conferences, and meetings and the establishment of a continuing information program to acquaint lower income families with the means they can use to improve the quality of their housing and the homeownership and housing opportunities available to them;

(G) assist private and public organizations in establishing, in connection with their homeownership and housing opportunity programs for lower income families, counseling and similar activities designed to advise lower income families of the means available to better themselves economically through job training and manpower development programs; and

(H) perform other similar services in order to further the purposes of this section.

(2) The Foundation may, if it deems it appropriate, charge a reasonable fee for any assistance or service provided under this subsection.

Fees.

(d) (1) In order to assist public and private organizations which are carrying out homeownership and housing opportunity programs for lower income families to fill unmet needs, initiate exceptional programs, and experiment with new approaches and programs, the Foundation is authorized, subject to such terms and conditions as it may prescribe, to make grants and loans to such organizations to help defray the following expenses:

Grant and loan authority.

(A) organizational and administrative expenses incurred in commencing the operation of a program, or in expanding an existing program, to the extent that the activities are related to providing homeownership and housing opportunities for lower income families;

(B) necessary preconstruction costs incurred for architectural assistance, land options, application fees, and similar items; and

(C) the cost of carrying out programs providing counseling or similar services to lower income families for whom housing is being provided, in order to enable those families better to achieve and afford adequate housing, in such matters as home management, budget management, and home maintenance.

(2) In order to be eligible for a grant or loan under this subsection, the organization seeking such assistance shall demonstrate to the satisfaction of the Foundation that the funds requested are not otherwise available from Federal sources: *Provided*, That a grant or loan under this subsection may be provided to help cover that portion of the cost of an eligible activity not covered by Federal funds.

(3) The Foundation shall encourage cooperation between public and private organizations carrying out programs of homeownership and housing opportunity for lower income families and the neighborhoods and communities affected by such programs. To help assure such cooperation and in order to coordinate, to the maximum extent feasible, any construction or rehabilitation activities with the development goals of the neighborhood or community affected, no application for a loan or grant under this subsection shall be considered unless such application has been submitted to the governing body of the community affected, or to such other entity of local government as may be designated by the governing body, for such recommendations as the local governing body or its designee may desire to make. Any recommendations so made shall be given careful consideration by the Foundation before taking final action on any such application. If, upon the expiration of thirty days after any such application has been submitted to such governing body or its designee, such body or designee fails to provide such recommendations, the application may be considered without the benefit of such recommendations.

(e) The Foundation shall coordinate its activities and consult with the Department of Housing and Urban Development and other Federal departments and agencies engaged in providing homeownership and housing opportunities for lower income families.

(f) (1) Not later than one hundred and twenty days after the close of each fiscal year, the Foundation shall prepare and submit to the President and to the Congress a full report of its activities during such year. Such report shall include an account of the Foundation's experiences with the efforts of private and public organizations to expand homeownership and housing opportunities for lower income families, together with such recommendations as it deems appropriate.

(2) Whenever in its judgment the general unavailability of mortgage funds is sufficiently serious to deter the Foundation from carrying out its objective of expanding homeownership and housing opportunities for lower income families, the Foundation shall, in its annual report or in a separate report to the President and the Congress, state its findings and make such recommendations for alternate means of financing housing for such families as it deems appropriate.

(g) (1) The financial transactions of the Foundation shall be audited by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Foundation and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. The audit shall cover the fiscal year corresponding to that of the United States Government.

Report to
President and
Congress.

Contents.

GAO audit.

Access to
records, etc.

(2) A report of each such audit shall be made by the Comptroller General to the Congress not later than January 15 following the close of the fiscal year for which the audit was made. The report shall set forth the scope of the audit and shall include a statement of assets and liabilities, capital, and surplus or deficit; a statement of sources and application of funds; and such comments and information as may be deemed necessary to keep the Congress informed of the operations and financial condition of the Foundation, together with such recommendations with respect thereto as the Comptroller General may deem advisable. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking, observed in the course of the audit, which, in the opinion of the Comptroller General, has been carried on or made without authority of law. A copy of each report shall be furnished to the President and to the Foundation at the time submitted to the Congress.

Report to Congress and President.

(h) Funds of the Foundation shall be deposited, to the extent practicable, in accounts with financial institutions which are actively engaged in making loans or are otherwise carrying on activities in furtherance of homeownership and housing opportunities for lower income families.

(i) There is authorized to be appropriated to the Foundation not to exceed \$10,000,000 to carry out the purposes of this section. Appropriations made hereunder shall remain available until expended.

Appropriation.

NEW TECHNOLOGIES IN THE DEVELOPMENT OF HOUSING FOR LOWER INCOME FAMILIES

SEC. 108. (a) In order to encourage the use of new housing technologies in providing decent, safe, and sanitary housing for lower income families; to encourage large-scale experimentation in the use of such technologies; to provide a basis for comparison of such technologies with existing housing technologies in providing such housing; and to evaluate the effect of local housing codes and zoning regulations on the large-scale use of new housing technologies in the provision of such housing, the Secretary of Housing and Urban Development (hereinafter referred to as the "Secretary") shall institute a program under which qualified organizations, public and private, will submit plans for the development of housing for lower income families, using new and advanced technologies, on Federal land which has been made available by the Secretary for the purposes of this section, or on other land where (1) local building regulations permit the construction of experimental housing, or (2) State or local law permits variances from building regulations in the construction of experimental housing for the purpose of testing and developing new building technologies.

(b) The Secretary shall approve not more than five plans utilizing new housing technologies which are submitted to him pursuant to the program referred to in subsection (a) and which he determines are most promising in furtherance of the purposes of this section. In making such determination the Secretary shall consider—

Plans, approval; considerations.

(1) the potential of the technology employed for producing housing for lower income families on a large scale at a moderate cost;

(2) the extent to which the plan envisages environmental quality;

(3) the possibility of mass production of the technology; and

(4) the financial soundness of the organization submitting the plan, and the ability of such organization, alone or in combination with other organizations, to produce at least one thousand dwelling units a year utilizing the technology proposed.

(c) In approving projects for mortgage insurance under section 233(a)(2) of the National Housing Act (as added by subsection (f) of this section), the Secretary shall seek to achieve the construction of at least one thousand dwelling units a year over a five-year period for each of the various types of technologies proposed in approved plans under subsection (b). The Secretary shall evaluate each project with respect to which assistance is extended pursuant to this section with a view to determining (1) the detailed cost breakdown per dwelling unit, (2) the environmental quality achieved in each such unit, and (3) the effect which local housing codes and zoning regulations have, or would have if applicable, on the cost per dwelling unit.

(d) Notwithstanding the provisions of the Federal Property and Administrative Services Act of 1949, any land which is excess property within the meaning of such Act and which is determined by the Secretary to be suitable in furtherance of the purposes of this section may be transferred to the Secretary upon his request.

(e) The Secretary shall, at the earliest practicable date, report his findings with respect to projects assisted pursuant to this section (including evaluations of each such project in accordance with subsection (c)), together with such recommendations for additional legislation as he determines to be necessary or desirable to expand the available supply of decent, safe, and sanitary housing for lower income families through the use of technologies the efficacy of which has been demonstrated under this section.

(f) (1) Section 233(a) of the National Housing Act is amended—

(A) by inserting "(1)" after "(a)";

(B) by redesignating clauses (1), (2), and (3) as clauses (A), (B), and (C), respectively, and

(C) by adding at the end thereof the following new paragraph:

"(2) The Secretary is further authorized to insure and to make commitments to insure, under this section, mortgages (including advances on mortgages during construction) secured by properties in projects to be carried out in accordance with plans approved by the Secretary under section 108 of the Housing and Urban Development Act of 1968."

(2) Section 233(c) of such Act is amended by inserting at the end thereof the following new sentence: "Any authority which the Secretary may exercise in connection with a mortgage, or property covered by a mortgage, insured under any other section of this title (including payments to reduce rentals for, or to facilitate homeownership by, lower income families) may be exercised in connection with a mortgage, or property covered by a mortgage, meeting the requirements of such other section (except as specified in subsection (b)), which is insured under this section to the same extent and in the same manner as if the mortgage insured under this section was insured under such other section."

INSURANCE PROTECTION FOR HOMEOWNERS

SEC. 109. (a) The Secretary of Housing and Urban Development is authorized, in cooperation with the private insurance industry, to develop a plan for the establishment at the earliest practicable date of an insurance program to help homeowners in meeting mortgage payments in times of personal economic adversity. Such insurance program shall be designed to protect mortgagors against foreclosure due to curtailment of income resulting from factors beyond their effective control, including such factors as death, disability, illness, and unemployment. Such insurance program shall also be designed to be actuarially sound through the use of premiums, fees, extended or increased

Surplus property.
63 Stat. 377.
40 USC 471
note.

Report of findings, legislative recommendations.

75 Stat. 158.
12 USC 1715x.

Ante, p. 495.

payment schedules, or other similar methods, in conjunction with such Federal participation as may be necessary.

(b) Within six months following the date of enactment of this Act, the Secretary shall report to the Congress on his actions under this section, and shall recommend to the Congress such legislation as he deems appropriate to authorize him to enter into agreements with any insurance company, or any corporation or joint enterprise formed to provide home mortgage insurance protection, for the purpose of reinsuring insurance reserve funds, subsidizing premium payments on behalf of lower income mortgagors, or otherwise making possible the insurance protection of homeowners in accordance with subsection (a). In preparing such recommendations the Secretary shall consult with other agencies or instrumentalities of the United States which insure or guarantee home mortgages in order that such legislation as may be recommended affords equal benefits to mortgagors participating in their programs.

Report to Congress, legislative recommendations.

NATIONAL ADVISORY COMMISSION ON LOW INCOME HOUSING

SEC. 110. (a) (1) There is hereby established the National Advisory Commission on Low Income Housing (hereinafter referred to as the "Commission"). The Commission shall be composed of twenty-one members as follows:

Membership.

(A) Four members appointed by the President of the Senate, two from the majority party and two from the minority party;

(B) Four members appointed by the Speaker of the House of Representatives, two from the majority party and two from the minority party; and

(C) Thirteen members appointed by the President, not more than three of whom shall be from the Federal Government, and of whom four shall be representative of persons eligible for low income housing. Appointment shall be made by the President, whenever practicable, after consultation with the ranking majority and minority members of the Housing Subcommittees of the Committees on Banking and Currency of the Senate and House of Representatives.

(2) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(3) Eleven members of the Commission shall constitute a quorum, but a lesser number may conduct hearings.

(4) The members of the Commission shall elect a Chairman and a Vice Chairman from the membership of the Commission.

(b) (1) The Commission shall undertake a comprehensive study and investigation, to further the policy set forth in section 2 of this Act, of practicable and effective ways of bringing decent, safe, and sanitary housing within the reach of low income families. Such study shall evaluate existing housing programs designed to assist such families, and explore new ways by which public and private resources may be more effectively utilized in meeting the housing needs of such families. In the carrying out of such study, the Commission may, where necessary or desirable, utilize the services of private research organizations, and shall, insofar as is practicable, seek to coordinate its investigation with studies undertaken, or being undertaken by the Banking and Currency Committees of the Senate and House of Representatives.

Commission functions.

(2) The Commission shall be organized and begin its functions at the earliest possible date, and shall submit to the President and to the Congress an interim report with respect to its findings and recommendations not later than July 1, 1969. A final report of its findings

Report to President and Congress.

and recommendations shall be submitted to the President and the Congress not later than July 1, 1970.

Hearings, etc.

(c) (1) The Commission or, on the authorization of the Commission, any subcommittee or members thereof, may, for the purpose of carrying out the provisions of this section, hold such hearings, take such testimony, and sit and act at such times and places as the Commission deems advisable. Any member authorized by the Commission may administer oaths or affirmations to witnesses appearing before the Commission or any subcommittee or members thereof.

(2) Each department, agency, and instrumentality of the executive branch of the Government is authorized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this section.

(3) Subject to such rules and regulations as may be adopted by the Commission, the Chairman, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, shall have the power—

(1) to appoint and fix the compensation of such staff personnel as he deems necessary, and

(2) to procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed \$50 a day for individuals.

(d) (1) Any member of the Commission who is appointed from the executive or legislative branch of the Government shall serve without compensation in addition to that received in his regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by him in the performance of duties vested in the Commission.

(2) Members of the Commission, other than those referred to in paragraph (1), shall receive compensation at the rate of \$75 per day for each day they are engaged in the performance of their duties as members of the Commission and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

(e) There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out this section.

(f) The Commission shall cease to exist thirty days after the submission of its final report.

TITLE II—RENTAL HOUSING FOR LOWER INCOME FAMILIES

PART A—PRIVATE HOUSING

RENTAL AND COOPERATIVE HOUSING FOR LOWER INCOME FAMILIES

SEC. 201. (a) Title II of the National Housing Act is amended by adding after section 235 (as added by section 101 of this Act) the following new section:

“RENTAL AND COOPERATIVE HOUSING FOR LOWER INCOME FAMILIES

“SEC. 236. (a) For the purpose of reducing rentals for lower income families, the Secretary is authorized to make, and to contract to make, periodic interest reduction payments on behalf of the owner of a

80 Stat. 443,
467.
5 USC 5101,
5331.
5 USC 5332
note.

Experts and
consultants.

80 Stat. 416.

Compensation,
travel expenses.

Appropriation.

Termination.

12 USC 1707-
1715y.

rental housing project designed for occupancy by lower income families, which shall be accomplished through payments to mortgagees holding mortgages meeting the special requirements specified in this section.

“(b) Interest reduction payments with respect to a project shall only be made during such time as the project is operated as a rental housing project and is subject to a mortgage which meets the requirements of, and is insured under, subsection (j) of this section: *Provided*, That interest reduction payments may be made with respect to a rental or cooperative housing project owned by a private nonprofit corporation or other private nonprofit entity, a limited dividend corporation or other limited dividend entity, or a cooperative housing corporation, which is financed under a State or local program providing assistance through loans, loan insurance, or tax abatements, and which prior to completion of construction or rehabilitation is approved for receiving the benefits of this section.

“(c) The interest reduction payments to a mortgagee by the Secretary on behalf of a project owner shall be in an amount not exceeding the difference between the monthly payment for principal, interest, and mortgage insurance premium which the project owner as a mortgagor is obligated to pay under the mortgage and the monthly payment for principal and interest such project owner would be obligated to pay if the mortgage were to bear interest at the rate of 1 per centum per annum.

“(d) The Secretary may include in the payment to the mortgagee such amount, in addition to the amount computed under subsection (c), as he deems appropriate to reimburse the mortgagee for its expenses in handling the mortgage.

Mortgage
handling expenses.

“(e) As a condition for receiving the benefits of interest reduction payments, the project owner shall operate the project in accordance with such requirements with respect to tenant eligibility and rents as the Secretary may prescribe. Procedures shall be adopted by the Secretary for review of tenant incomes at intervals of two years (or at shorter intervals where the Secretary deems it desirable).

“(f) For each dwelling unit there shall be established with the approval of the Secretary (1) a basic rental charge determined on the basis of operating the project with payments of principal and interest due under a mortgage bearing interest at the rate of 1 per centum per annum; and (2) a fair market rental charge determined on the basis of operating the project with payments of principal, interest, and mortgage insurance premium which the mortgagor is obligated to pay under the mortgage covering the project. The rental for each dwelling unit shall be at the basic rental charge or such greater amount, not exceeding the fair market rental charge, as represents 25 per centum of the tenant's income.

“(g) The project owner shall, as required by the Secretary, accumulate, safeguard, and periodically pay to the Secretary all rental charges collected in excess of the basic rental charges. Such excess charges shall be deposited by the Secretary in a fund which may be used by him as a revolving fund for the purpose of making interest reduction payments with respect to any rental housing project receiving assistance under this section, subject to limits approved in appropriation Acts pursuant to subsection (i). Moneys in such fund not needed for current operations may be invested in bonds or other obligations of the United States or in bonds or other obligations guaranteed as to principal and interest by the United States.

Excess rental
charges, collec-
tion and deposit.

Investment of
moneys.

“(h) In addition to establishing the requirements specified in subsection (e), the Secretary is authorized to make such rules and regulations, to enter into such agreements, and to adopt such procedures as

he may deem necessary or desirable to carry out the provisions of this section.

Appropriation.

“(i) (1) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, including such sums as may be necessary to make interest reduction payments under contracts entered into under this section. The aggregate amount of contracts to make such payments shall not exceed amounts approved in appropriation Acts, and payments pursuant to such contracts shall not exceed \$75,000,000 per annum prior to July 1, 1969, which maximum dollar amount shall be increased by \$100,000,000 on July 1, 1969, and by \$125,000,000 on July 1, 1970.

“(2) Not more than 20 per centum of the total amount of interest reduction payments authorized to be contracted to be made pursuant to appropriation Acts shall be contracted to be made with respect to families, occupying rental housing projects assisted under this section, whose incomes at the time of the initial renting of the projects exceed 135 per centum of the maximum income limits which can be established in the area, pursuant to the limitations prescribed in sections 2(2) and 15(7) (b) (ii) of the United States Housing Act of 1937, for initial occupancy in public housing dwellings, but the income of such families at the time of the initial renting of the projects shall in no case exceed 90 per centum of the limits prescribed by the Secretary for occupants of projects financed with mortgages insured under section 221(d) (3) which bear interest at the below-market interest rate prescribed in the proviso of section 221(d) (5). The limitations prescribed in this paragraph shall be administered by the Secretary so as to accord a preference to those families whose incomes are within the lowest practicable limits for obtaining rental accommodations in projects assisted under this section. The Secretary shall report annually to the respective Committees on Banking and Currency of the Senate and House of Representatives with respect to the income levels of families living in projects assisted under this section.

“(j) (1) The Secretary is authorized, upon application by the mortgagee, to insure a mortgage (including advances on such mortgage during construction) which meets the requirements of this subsection. Commitments for the insurance of such mortgages may be issued by the Secretary prior to the date of their execution or disbursement thereon, upon such terms and conditions as he may prescribe.

Definitions.

“(2) As used in this subsection—

“(A) the terms ‘family’ and ‘families’ shall have the same meaning as in section 221;

“(B) the term ‘elderly or handicapped families’ shall have the same meaning as in section 202 of the Housing Act of 1959; and

“(C) the terms ‘mortgage’, ‘mortgagee’, and ‘mortgagor’ shall have the same meaning as in section 201.

“(3) To be eligible for insurance under this subsection, a mortgage shall meet the requirements specified in subsections (d) (1) and (d) (3) of section 221, except as such requirements are modified by this subsection. In the case of a project financed with a mortgage insured under this subsection which involves a mortgagor other than a cooperative or a private nonprofit corporation or association and which is sold to a cooperative or a nonprofit corporation or association, the Secretary is further authorized to insure under this subsection a mortgage given by such purchaser in an amount not exceeding the appraised value of the property at the time of purchase, which value shall be based upon a mortgage amount on which the debt service can be met from the income of the property when operated on a nonprofit basis, after payment of all operating expenses, taxes, and required reserves.

“(4) A mortgage to be insured under this subsection shall—

79 Stat. 457;
63 Stat. 422.
42 USC 1402,
1415.

75 Stat. 150,
152; 79 Stat. 454.
12 USC 1715.

Report to con-
gressional com-
mittees.

68 Stat. 599.

73 Stat. 667.
12 USC 1701q.

48 Stat. 1247.
12 USC 1707.

“(A) be executed by a private mortgagor eligible under subsection (d) (3) or (e) of section 221;

“(B) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum (not in excess of 6 per centum), on the amount of the principal obligation outstanding at any time, as the Secretary finds necessary to meet the mortgage market; and

“(C) provide for complete amortization by periodic payments within such term as the Secretary may prescribe.

“(5) The property or project shall—

“(A) comply with such standards and conditions as the Secretary may prescribe to establish the acceptability of the property for mortgage insurance and may include such nondwelling facilities as the Secretary deems adequate and appropriate to serve the occupants and the surrounding neighborhood: *Provided*, That the project shall be predominantly residential and any nondwelling facility included in the mortgage shall be found by the Secretary to contribute to the economic feasibility of the project, and the Secretary shall give due consideration to the possible effect of the project on other business enterprises in the community: *Provided further*, That, in the case of a project designed primarily for occupancy by elderly or handicapped families, the project may include related facilities for use by elderly or handicapped families, including cafeterias or dining halls, community rooms, workshops, infirmaries, or other inpatient or outpatient health facilities, and other essential service facilities;

“(B) include five or more dwelling units; and

“(C) be designed primarily for use as a rental project to be occupied by lower income families or by elderly or handicapped families: *Provided*, That lower income persons who are less than sixty-two years of age shall be eligible for occupancy in such a project, but not more than 10 per centum of the dwelling units in any such project shall be available for occupancy by such persons.

“(6) With the approval of the Secretary, the mortgagor may sell the individual dwelling units to lower income or elderly or handicapped purchasers. The Secretary may consent to the release of the mortgagor from his liability under the mortgage and the credit instrument secured thereby, or consent to the release of parts of the mortgaged property from the lien of the mortgage, upon such terms and conditions as he may prescribe, and the mortgage may provide for such release.

“(k) As used in this section the term ‘tenant’ includes a member of a cooperative; the term ‘rental housing project’ includes a cooperative housing project; and the terms ‘rental’ and ‘rental charge’ mean, with respect to members of a cooperative, the charges under the occupancy agreements between such members and the cooperative.

“‘Tenant.’”

“(1) The Secretary shall from time to time allocate and transfer to the Secretary of Agriculture, for use (in accordance with the terms and conditions of this section) in rural areas and small towns, a reasonable portion of the total authority to contract to make periodic interest reduction payments as approved in appropriation Acts under subsection (i).

“(m) In determining the income of any person for the purposes of this section, there shall be deducted an amount equal to \$300 for each minor person who is a member of the immediate family of such person and living with such family, and the earnings of any such minor person shall not be included in the income of such person or his family.”

(b) (1) Section 212(a) of the National Housing Act is amended by

75 Stat. 150;
78 Stat. 778.
12 USC 1715l.

53 Stat. 807.
12 USC 1715c.

striking out "or 232" in the first sentence of the second paragraph and inserting in lieu thereof "232, or 236".

78 Stat. 782.
12 USC 1715r.

(2) Section 227(a) of such Act is amended by striking out "or (viii) under section 234(d)" and inserting in lieu thereof "(viii) under section 234(d), or (ix) under section 236".

(3) Section 227(c) of such Act is amended by striking out "or section 233(b)(2)" each place it appears and inserting in lieu thereof "section 233, or section 236".

Ante, p. 500.

75 Stat. 150,
152; 79 Stat. 454.
12 USC 1715l.

(c) The Secretary of Housing and Urban Development is authorized, upon such terms and conditions as he may prescribe, to transfer to section 236(j) of the National Housing Act the insurance of a mortgage which has not been finally endorsed for insurance under section 221(d)(3) of such Act and which has been approved for the below-market interest rate prescribed in the proviso of section 221(d)(5) of such Act.

73 Stat. 667.
12 USC 1701q.

(d) The Secretary of Housing and Urban Development is authorized, upon such terms and conditions as he may prescribe, to insure under section 236(j) of the National Housing Act a mortgage meeting the requirements of such section which is given to refinance a mortgage loan made under section 202 of the Housing Act of 1959: *Provided*, That the application for such insurance is filed with the Secretary on or before the date of project completion, or within such reasonable time thereafter as the Secretary may permit.

79 Stat. 452.
12 USC 1701s.

(e) (1) Section 101(d) of the Housing and Urban Development Act of 1965 is amended by adding at the end thereof the following: "In determining the income of any tenant for the purposes of this section, there shall be deducted an amount equal to \$300 for each minor person who is a member of the immediate family of such tenant and living with such tenant, and the earnings of any such minor person shall not be included in the income of such tenant."

(2) Section 101(g) of such Act is amended by striking out "or section 231(c)(3)" and inserting in lieu thereof "section 231(c)(3), or section 236".

(3) Section 101(j)(1) of such Act is amended—

(A) by striking out "and" at the end of subparagraph (B);

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof "; and"; and

(C) by inserting after subparagraph (C) a new subparagraph as follows:

"(D) a private nonprofit corporation or other private nonprofit legal entity, a limited dividend corporation or other limited divided legal entity, or a cooperative housing corporation, which is assisted under section 236 of the National Housing Act and which has been approved for receiving the benefits of this section: *Provided*, That payments shall not be made with respect to more than 20 per centum of the dwelling units in any property so financed."

(f) Section 207 of the Appalachian Regional Development Act of 1965 is amended—

81 Stat. 261.
40 USC app.
207.

(1) by inserting in the heading "AND SECTION 236" immediately after "SECTION 221";

(2) by inserting "or section 236" after "section 221" each place it appears;

(3) by inserting "or 'section 236'" after "'section 221'" in subsection (a); and

(4) by inserting "Government National Mortgage Association," immediately after "Federal Housing Administration" in subsection (c).

(g) The first sentence of section 305(i) of the National Housing Act is amended—

80 Stat. 1285.
12 USC 1720.

(1) by striking out “or (3)” and inserting in lieu thereof “(3)”; and

(2) by inserting after “221(e)” the following: “, or (4) a mortgage insured under section 236”.

Ante, p.498.

RENT SUPPLEMENT PROGRAM

SEC. 202. (a) Section 101(a) of the Housing and Urban Development Act of 1965 is amended by striking out everything after the word “exceed” the second time the word appears in the third sentence and inserting in lieu thereof the following: “\$150,000,000 per annum prior to July 1, 1969, which maximum dollar amount shall be increased by \$40,000,000, on July 1, 1969, and by \$100,000,000 on July 1, 1970.”

79 Stat. 451.
12 USC 1701s.

(b) Section 101(b) of such Act is amended by inserting after the first sentence the following: “Such term also includes a private non-profit corporation or other private nonprofit legal entity, a limited dividend corporation or other limited dividend legal entity, or a cooperative housing corporation, which is the owner of a rental or cooperative housing project financed under a State or local program providing assistance through loans, loan insurance, or tax abatement and which prior to completion of construction or rehabilitation is approved for receiving the benefits of this section.”

PART B—LOW-RENT PUBLIC HOUSING

INCREASED LOW-RENT PUBLIC HOUSING AUTHORIZATION

SEC. 203. (a) Section 10(e) of the United States Housing Act of 1937 is amended by striking out “\$366,250,000 per annum, which limit shall be increased by \$47,000,000 on the date of enactment of the Housing and Urban Development Act of 1965, and by further amounts of \$47,000,000 on July 1 in each of the years 1966, 1967, and 1968, respectively,” in the first sentence and inserting in lieu thereof the following: “\$554,250,000 per annum, which limit shall be increased by \$100,000,000 on the date of enactment of the Housing and Urban Development Act of 1968 and by further amounts of \$150,000,000 on July 1 in each of the years 1969 and 1970.”

52 Stat. 820;
78 Stat. 795;
79 Stat. 487.
42 USC 1410.

(b) Section 20 of such Act is amended—

(1) by striking out “not to exceed \$1,500,000,000” in the first sentence and inserting in lieu thereof “which shall not, unless authorized by the President, exceed \$1,500,000,000”; and

(2) by inserting after the first sentence the following: “For the purpose of determining obligations incurred to make loans pursuant to this Act against any limitation otherwise applicable with respect to such loans, the Secretary shall estimate the maximum amount to be loaned at any one time pursuant to loan agreements then outstanding with public housing agencies.”

63 Stat. 427.
42 USC 1420.

UPGRADING MANAGEMENT AND SERVICES IN PUBLIC HOUSING PROJECTS

SEC. 204. Section 15 of the United States Housing Act of 1937 is amended by adding at the end thereof the following new paragraph:

“(10) The Secretary is authorized to enter into contracts to make grants to public housing agencies to assist, where necessary, in financing tenant services for families living in low-rent housing projects. In making such contracts and grants, the Secretary shall give preference to programs providing for the maximum feasible participation of the tenants in the development and operation of such tenant services.

Contracts and
grants.
50 Stat. 895.
42 USC 1415.

"Tenant services."

For purposes of this paragraph the term 'tenant services' includes the following services and activities for families living in low-rent housing projects: counseling on household management, housekeeping, budgeting, money management, child care, and similar matters; advice as to resources for job training and placement, education, welfare, health, and other community services; services which are directly related to meeting tenant needs and providing a wholesome living environment; and referral to appropriate agencies when necessary for the provision of such services. To the maximum extent available and appropriate, existing public and private agencies in the community shall be used for the provision of such services. There are authorized to be appropriated for the purposes of this paragraph not to exceed \$15,000,000 for the fiscal year ending June 30, 1969, and not to exceed \$30,000,000 for the fiscal year ending June 30, 1970. Any amounts so appropriated shall remain available until expended, and any amounts authorized for any fiscal year under this paragraph but not appropriated may be appropriated for any succeeding fiscal year commencing prior to July 1, 1970."

Appropriation.

PURCHASE OF UNITS BY TENANTS

79 Stat. 488.
42 USC 1415.

SEC. 205. Section 15(9) of the United States Housing Act of 1937 is amended by striking out "which is suitable by reason of its detached or semidetached construction" and inserting in lieu thereof "if the property to be acquired is sufficiently separable from other property retained by the public housing agency to make it suitable".

PUBLIC HOUSING IN INDIAN AREAS

50 Stat. 888;
63 Stat. 429.
42 USC 1401.

SEC. 206. (a) Section 1 of the United States Housing Act of 1937 is amended by striking out "urban and rural nonfarm" in the first sentence and inserting in lieu thereof "urban, rural nonfarm, and Indian".

63 Stat. 430.
42 USC 1410.

(b) Section 10(a) of such Act is amended by inserting "or Indian" after "nonfarm" in the fourth proviso.

LIMITATION ON HIGH-RISE STRUCTURES IN LOW-RENT PUBLIC HOUSING PROJECTS

SEC. 207. Section 15 of the United States Housing Act of 1937 is amended by adding at the end thereof (after the new paragraph added by section 204 of this Act) the following new paragraph:

"(11) Except in the case of housing predominantly for the elderly, upon enactment of this paragraph, the Secretary shall not approve high-rise elevator projects for families with children unless he makes a determination that there is no practical alternative."

SALE TO TENANTS OF LOW-RENT HOUSING IN PRIVATE ACCOMMODATIONS

79 Stat. 456.
42 USC 1421b.

SEC. 208. (a) Section 23(f) of the United States Housing Act of 1937 is amended by inserting "(1)" after "shall not apply to", and by inserting before the period at the end thereof the following: ", or (2) housing purchased (or in the process of purchase) by the public housing agency for resale to tenants as provided in subsection (g)".

(b) Section 23 of such Act is further amended by adding at the end thereof the following new subsection:

"(g) To the extent authorized in contracts entered into by the Authority with a public housing agency, such agency may purchase any structure containing one or more dwelling units leased to provide low-rent housing in private accommodations under this section for the purpose of reselling the structure to the tenant or tenants of the struc-

ture or to a group of such tenants occupying units aggregating in value at least 80 per centum of the structure's total value. Any such resale shall be made subject to such terms and conditions (including provision for deferment of the required downpayment and for elimination of or adjustments in the required interest payments during a temporary period) as may be necessary to enable the tenants involved to make the purchase without undue financial hardship."

ADDITIONAL SUBSIDY FOR LARGE FAMILIES AND FAMILIES OF UNUSUALLY LOW INCOME

SEC. 209. (a) Section 2(2) of the United States Housing Act of 1937 is amended by inserting at the end thereof the following new sentences: "The term 'large families' means families which include four or more minors. The term 'families of unusually low income' means families with incomes below the income level established by the public housing agency, as approved by the Authority, who could not be housed without the additional subsidy authorized under section 10 (a)."

Definitions.
79 Stat. 457.
42 USC 1402.

(b) The first proviso in section 10(a) of such Act is amended—

78 Stat. 794.
42 USC 1410.

(1) by inserting after "an elderly family," the following: "or a large family, or a family of unusually low income,";

(2) by striking out "to lease the dwelling unit to an elderly or displaced family at a rental it could afford and"; and

(3) by striking out "and, in the case of displaced families, if and to the extent that the average or estimated average rental for units so occupied by such families was less than the rental which the Authority determines, on the basis of the average or estimated average project rentals, would have been established in leasing the units to families which were neither elderly nor similarly displaced".

PROHIBITION AGAINST CERTAIN LIMITATIONS ON TYPES OR CATEGORIES OF LOW-RENT HOUSING IN PRIVATE ACCOMMODATIONS

SEC. 210. The first sentence of section 23(d) of the United States Housing Act of 1937 is amended by inserting before the period at the end thereof the following: "(and no limitation not specifically provided for in this section shall be imposed by regulations of the Authority on the types or categories of structures or dwelling units, qualifying under subsection (a) (3) and approved under subsection (c), which may be so used in any community)".

79 Stat. 456.
42 USC 1421b.

TITLE III—FEDERAL HOUSING ADMINISTRATION
INSURANCE OPERATIONS

MORTGAGE INSURANCE PREMIUMS FOR SERVICEMEN AND THEIR WIDOWS

SEC. 301. Section 222 of the National Housing Act is amended—

68 Stat. 603.
12 USC 1715m.

(1) by striking out "Secretary of the Treasury" each place it appears and inserting in lieu thereof "Secretary of Transportation"; and

(2) by adding at the end thereof two new subsections as follows:

"(f) The Secretary is authorized to transfer to this section the insurance on any mortgage covering a single-family dwelling or a one-family unit in a condominium project insured under this Act, if the mortgage indebtedness thereof has been assumed by a serviceman who at the time of assumption is the owner of the property and either occupies the property or certifies that his failure to do so is the result of his

military assignment, or, in the case of the United States Coast Guard, other assignment.

“(g) Where a serviceman dies while on active duty in the Armed Forces of the United States or in the United States Coast Guard, leaving a surviving widow as owner of the property, the period of ownership by the serviceman (within the meaning of subsection (c) of this section) shall extend for two years beyond the date of the serviceman’s death or until the date the widow disposes of the property, whichever date occurs first. The Secretary of Defense or the Secretary of Transportation, as the case may be, shall notify such widow promptly following the serviceman’s death of the additional costs to be borne by the mortgagor following termination of the two-year period.”

MODIFICATIONS IN TERMS OF INSURED MORTGAGES COVERING MULTIFAMILY PROJECTS

12 USC 1707-
1715y.

SEC. 302. Title II of the National Housing Act is amended by adding after section 238 (as added by section 104 of this Act) the following new section:

“MODIFICATIONS IN TERMS OF INSURED MORTGAGES COVERING MULTIFAMILY PROJECTS

“SEC. 239. (a) The Secretary shall not consent to any request for an extension of the time for curing a default under any mortgage covering multifamily housing, as defined in the regulations of the Secretary, or for a modification of the terms of such mortgage, except in conformity with regulations prescribed by the Secretary in accordance with the provisions of this section. Such regulations shall require, as a condition to the granting of any such request, that, during the period of such extension or modification, any part of the rents or other funds derived by the mortgagor from the property covered by the mortgage which is not required to meet actual and necessary expenses arising in connection with the operation of such property, including amortization charges under the mortgage, be held in trust by the mortgagor and distributed only with the consent of the Secretary; except that the Secretary may provide for the granting of consent to any request for an extension of the time for curing a default under any mortgage covering multifamily housing, or for a modification of the terms of such mortgage, without regard to the foregoing requirement, in any case or class of cases in which an exemption from such requirement does not (as determined by the Secretary) jeopardize the interests of the United States.

“(b) Whoever, as an owner of a property which is security for a mortgage described in subsection (a), or as a stockholder of a corporation owning such property, or as a beneficial owner under any business organization or trust owning such property, or as an officer, director, or agent of any such owner, (1) willfully uses or authorizes the use of any part of the rents or other funds derived from property covered by such mortgage in violation of a regulation prescribed by the Secretary under subsection (a), or (2) if such mortgage is determined, as provided in subsection (a), to be exempt from the requirement of any such regulation or is not otherwise covered by such regulation, willfully and knowingly uses or authorizes the use, while such mortgage is in default, of any part of the rents or other funds derived from the property covered by such mortgage for any purpose other than to meet actual and necessary expenses arising in connection with such property (including amortization charges under the mortgage), shall be fined not more than \$5,000 or imprisoned not more than three years, or both.”

CONDOMINIUMS

SEC. 303 (a) Section 234(c) of the National Housing Act is amended by striking out "rental housing, and (3)" in the first sentence and inserting in lieu thereof the following: "rental housing: *Provided*, That a one-family unit in a multifamily project involving eleven or less units shall be eligible for insurance without having been covered by a project mortgage, and (3)".

75 Stat. 160;
78 Stat. 780.
12 USC 1715y.

(b) Section 234(c) of such Act is further amended by striking out "(iii) 75 per centum" in the third sentence and inserting in lieu thereof "(iii) 80 per centum".

(c) Section 234(f) of such Act is amended by striking "five" and inserting in lieu thereof "four".

78 Stat. 781.

INSURANCE OF LOANS FOR PURCHASE OF FEE SIMPLE TITLE FROM LESSORS

SEC. 304. (a) Title II of the National Housing Act is amended by adding after section 239 (as added by section 302 of this Act) the following new section:

12 USC 1707-
1715y.

"PURCHASE OF FEE SIMPLE TITLE FROM LESSORS

"SEC. 240. (a) The Secretary is authorized, upon such terms and conditions as he may prescribe, to make commitments to insure and to insure loans made by financial institutions for the purpose of financing purchasers by homeowners of the fee simple title to property on which their homes are located.

"(b) As used in this section—

"(1) the term 'financial institution' means a lender approved by the Secretary as eligible for insurance under section 2 or a mortgagee approved under section 203(b)(1); and

"Financial institution."
12 USC 1703.
52 Stat. 10.
12 USC 1709.
"Homeowner."

"(2) the term 'homeowner' means a lessee under a long-term ground lease.

"(c) To be eligible for insurance under this section, a loan shall—

"(1) relate to property on which there is located a dwelling designed principally for a one-, two-, three-, or four-family residence;

"(2) not exceed the cost of purchasing the fee simple title, or \$10,000 per family unit, whichever is the lesser;

"(3) be limited to an amount which when added to any outstanding indebtedness related to the property (as determined by the Secretary) creates a total outstanding indebtedness which does not exceed the applicable mortgage limit prescribed in section 203(b);

"(4) bear interest at not to exceed such per centum per annum (not in excess of 6 per centum), on the amount of the principal obligation outstanding at any time, as the Secretary finds necessary to meet market conditions, and such other charges (including service charges and appraisal, inspection, and other fees) as may be approved by the Secretary;

"(5) have a maturity satisfactory to the Secretary, but not to exceed twenty years from the beginning of amortization of the loan or three-quarters of the remaining economic life of the home, whichever is the lesser; and

"(6) comply with such other terms, conditions, and restrictions as the Secretary may prescribe.

"(d) The provisions of paragraphs (3), (5), (6), (7), (8), and (10) of section 220(h) shall be applicable to loans insured under this section and, as applied to loans insured under this section, references

75 Stat. 155.
12 USC 1715k.

in those paragraphs to 'home improvement loans' and 'this subsection' shall be construed to refer to loans under this section."

48 Stat. 132;
79 Stat. 465.

(b) Section 5(c) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)) is amended by adding immediately after the next to the last paragraph the following new paragraph:

Ante, p. 507.

"Notwithstanding any other provision of this subsection, an association may invest in loans or obligations, or interests therein, as to which the association has the benefit of insurance under section 240 of the National Housing Act, or of a commitment or agreement therefor, and such investments shall not be included in any percentage of assets or other percentage referred to in this subsection."

EXTENSION OF SECTION 221(d)(2) SALES HOUSING PROGRAM FOR TWO-, THREE-, AND FOUR-FAMILY RESIDENCES TO ALL LOW AND MODERATE INCOME FAMILIES

73 Stat. 659.
12 USC 1715f.

SEC. 305. Section 221(d)(2) of the National Housing Act is amended by striking out "a displaced family" at the end of the first proviso and inserting in lieu thereof "the mortgagor".

REMOVAL OF DIVIDEND RESTRICTION FOR NONDWELLING FACILITIES IN SECTION 221 PROJECTS

68 Stat. 599.

SEC. 306. Section 221(f) of the National Housing Act is amended by striking out in the first sentence all that follows the word "mortgage" in the proviso and inserting in lieu thereof ": *Provided further*, That, in the case of a mortgage which bears interest at the below-market interest rate prescribed in the proviso of subsection (d)(5), the provisions of section 220(d)(3)(B)(iv) shall only apply if the mortgagor waives the right to receive dividends on its equity investment in the portion thereof devoted to commercial facilities."

73 Stat. 658.
12 USC 1715k.

SUPPLEMENTAL LOAN PROGRAM FOR PROJECTS FINANCED WITH FEDERAL HOUSING ADMINISTRATION INSURED MORTGAGES

12 USC 1707-
1715y.

SEC. 307. Title II of the National Housing Act is amended by adding after section 240 (as added by section 304 of this Act) the following new section:

"SUPPLEMENTAL LOANS FOR MULTIFAMILY PROJECTS

"SEC. 241. (a) With respect to a multifamily project or group practice facility covered by a mortgage insured under any section or title of this Act, the Secretary is authorized, upon such terms and conditions as he may prescribe, to make commitments to insure, and to insure, supplemental loans (including advances during construction or improvement) made by financial institutions approved by the Secretary. As used in this section, 'supplemental loan' means a loan, advance of credit, or purchase of an obligation representing a loan or advance of credit made for the purpose of financing improvements or additions to such project or facility: *Provided*, That a loan involving a nursing home covered by a mortgage insured under section 232 or a loan involving a group practice facility covered by a mortgage insured under title XI may also be made for the purpose of financing equipment to be used in the operation of such nursing home or facility.

"(b) To be eligible for insurance under this section, a supplemental loan shall—

"(1) be limited to 90 per centum of the amount which the Secretary estimates will be the value of such improvements, additions, and equipment, except that such amount when added to the

73 Stat. 663.
12 USC 1715w.
80 Stat. 1274.
12 USC 1749aaa
et seq.

outstanding balance of the mortgage covering the project or facility, shall not exceed the maximum mortgage amount insurable under the section or title pursuant to which the mortgage covering such project of facility is insured;

"(2) have a maturity satisfactory to the Secretary but not to exceed the remaining term of the mortgage;

"(3) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum (not in excess of 6 per centum), on the amount of the principal obligation outstanding at any time, as the Secretary finds necessary to meet market conditions;

"(4) be secured in such manner as the Secretary may require;

"(5) be governed by the labor standards provisions of section 212 that are applicable to the section or title pursuant to which the mortgage covering the project or facility is insured; and

"(6) contain such other terms, conditions, and restrictions as the Secretary may prescribe.

"(c) The provisions of subsections (d), (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 shall be applicable to loans insured under this section, except that (1) all references to the term 'mortgage' shall be construed to refer to the term 'loan' as used in this section, (2) loans involving projects covered by a mortgage insured under section 213 that is the obligation of the Cooperative Management Housing Insurance Fund shall be insured under and shall be the obligation of such fund, and (3) loans involving projects covered by a mortgage insured under section 236 shall be insured under and shall be the obligation of the Special Risk Insurance Fund."

53 Stat. 807.
12 USC 1715c.

52 Stat. 18.
12 USC 1713.

64 Stat. 54.
12 USC 1715e.

Ante, p. 498.

HOME IMPROVEMENT LOANS—INCREASE IN MAXIMUM MATURITY, FINANCE CHARGE, AND LOAN AMOUNT

SEC. 308. Section 2(b) of the National Housing Act is amended—

(1) by striking out "\$3,500" and inserting in lieu thereof "\$5,000";

(2) by striking out "five years" and inserting in lieu thereof "seven years";

(3) by striking out "\$5 discount" and inserting in lieu thereof "\$5.50 discount"; and

(4) by striking out "\$1 discount" and inserting in lieu thereof "\$4.50 discount".

56 Stat. 305;
70 Stat. 1091.
12 USC 1703.

EXPERIMENTAL HOUSING PROGRAM

SEC. 309. Section 233 of the National Housing Act is amended—

(1) by striking out "of this title" immediately before the semicolon in subsection (b) and inserting in lieu thereof "or titles of this Act"; and

(2) by striking out "of this title" in subsection (e) and inserting in lieu thereof "or title of this Act".

78 Stat. 779.
12 USC 1715x.

TERM OF FEDERAL HOUSING ADMINISTRATION MORTGAGES FOR LAND DEVELOPMENT

SEC. 310. Section 1002(d)(1) of the National Housing Act is amended—

(1) by striking out "seven" and inserting in lieu thereof "ten"; and

(2) by striking out the semicolon and inserting in lieu thereof the following: "": *Provided*, That the Secretary may agree to a reasonable extension of the term of a mortgage, the maturity of

79 Stat. 462.
12 USC 1749bb.

which is limited by this paragraph to not more than ten years, if he determines that unusual or unforeseen circumstances make such extension necessary to avoid undue hardship to the mortgagor;”.

REHABILITATED MULTIFAMILY PROJECTS IN URBAN RENEWAL AREAS

SEC. 311. (a) Section 220(d)(3)(B)(ii) of the National Housing Act is amended by inserting immediately before the semicolon at the end thereof “: *Provided further*, That the mortgage may involve the financing of the purchase of property which has been rehabilitated by a local public agency with Federal assistance pursuant to section 110(c)(8) of the Housing Act of 1949, and, in such case the foregoing limitations upon the amount of the mortgage shall be based upon the appraised value of the property as of the date the mortgage is accepted for insurance”.

(b) Section 221(d)(3)(iii) of such Act is amended by inserting immediately before the colon at the end of the first proviso “: *Provided further*, That the mortgage may involve the financing of the purchase of property which has been rehabilitated by a local public agency with Federal assistance pursuant to section 110(c)(8) of the Housing Act of 1949, and, in such case, the amount of the mortgage shall not exceed the appraised value of the property as of the date the mortgage is accepted for insurance”.

MISCELLANEOUS HOUSING INSURANCE

SEC. 312. (a) Section 223 of the National Housing Act is amended—

(1) by striking out so much of subsection (a) as precedes paragraph (1) and inserting in lieu thereof the following:

“(a) Notwithstanding any of the provisions of this Act and without regard to limitations upon eligibility contained in any section or title of this Act, the Secretary is authorized, upon application by the mortgagee, to insure or make commitments to insure under any section or title of this Act any mortgage—”;

(2) by striking out “applicable to loans insured under section 203, 207, 213, 220, 221, 222, 231, 232, or 233, as the case may be” in the first and second provisos of subsection (a)(7) and inserting in lieu thereof “prescribed under the applicable section or title of this Act”;

(3) by striking out “this title” each time it appears in subsection (c) and inserting in lieu thereof “this Act”;

(4) by striking out “title I, title II, title VI, title VII, title VIII, or title IX” in subsection (c) and inserting in lieu thereof “any section or title of this Act”; and

(5) by striking out “(except that in any case the payment of insurance shall be in debentures)” at the end of subsection (c).

(b) Section 223(d) of such Act is amended by striking out all that follows “as he may prescribe,” and inserting in lieu thereof the following: “insure under the same section as the original mortgage a loan by the mortgagee in an amount not exceeding the excess of the foregoing expenses over the project income. Such loan shall (1) bear interest (exclusive of premium charges for insurance) at not to exceed the per centum per annum currently permitted for mortgages insured under the section under which it is to be insured, (2) be secured in such manner as the Secretary shall require, and (3) be limited to a term not exceeding the unexpired term of the original mortgage. The Secretary is authorized to collect a premium charge for insurance of loans pursuant to this subsection in an amount computed at the same premium rate as is applicable to the original mort-

68 Stat. 596.
12 USC 1715k.

70 Stat. 1097;
78 Stat. 788.
42 USC 1460.

75 Stat. 150.
12 USC 1715l.

68 Stat. 605.
12 USC 1715n.

68 Stat. 605;
69 Stat. 484.

68 Stat. 606;
75 Stat. 154.

75 Stat. 182.

gage. This premium shall be payable in cash or in debentures of the insurance fund under which the loan is insured at par plus accrued interest. In the event of a failure of the borrower to make any payment due under such loan or under the original mortgage, both the loan and original mortgage shall be considered in default, and if such default continues for a period of thirty days, the lender shall be entitled to insurance benefits, computed in the same manner as for the original mortgage, except that in determining the interest rate under section 224 for the debentures representing the portion of the claim applicable to the loan, the date of the commitment to insure the loan and the insurance date of the loan shall be taken into consideration rather than the commitment or insurance date for the original mortgage."

68 Stat. 606;
75 Stat. 182.
12 USC 1715o.

SUPPLEMENTARY LOANS FOR COOPERATIVE HOUSING PURCHASED FROM THE FEDERAL GOVERNMENT

SEC. 313. Section 213(j) of the National Housing Act is amended—

75 Stat. 179.
12 USC 1715e.

(1) by inserting after the first sentence of paragraph (1) the following sentence: "The Secretary is further authorized to make commitments to insure and to insure supplementary cooperative loans (including advances during construction or improvement) with respect to any property purchased from the Federal Government by a nonprofit corporation or trust of the character described in paragraph (1) of subsection (a), if the property is covered by an uninsured mortgage representing a part of the purchase price."; and

64 Stat. 54.

(2) by adding before the semicolon at the end of paragraph (2)(B) the following: "; except that, in the case of repairs or improvements to a property covered by an uninsured mortgage dated more than twenty years prior to the date of the commitment to insure, of such magnitude that the Secretary deems them to be a major rehabilitation or modernization of such property, the loan may have a maturity date up to ten years in excess of the remaining term of the uninsured mortgage".

EQUIPMENT IN NURSING HOMES

SEC. 314. Section 232 of the National Housing Act is amended—

73 Stat. 663.
12 USC 1715w.

(1) by striking out subsection (b)(2) and inserting in lieu thereof the following:

"(2) the term 'mortgage' means a first mortgage on real estate in fee simple, or on the interest of either the lessor or lessee thereof (A) under a lease for not less than ninety-nine years which is renewable, or (B) under a lease having a period of not less than fifty years to run from the date the mortgage was executed. The term 'first mortgage' means such classes of first liens as are commonly given to secure advances (including but not limited to advances during construction) on, or the unpaid purchase price of, real estate under the laws of the State in which the real estate is located, together with the credit instrument or instruments, if any, secured thereby, and any mortgage may be in the form of one or more trust mortgages or mortgage indentures or deeds of trust, securing notes, bonds, or other credit instruments, and, by the same instrument or by a separate instrument, may create a security interest in initial equipment, whether or not attached to the realty. The term 'mortgagor' shall have the meaning set forth in section 207(a) of this Act.";

(2) by striking out so much of subsection (d) as precedes paragraph (1) and inserting in lieu thereof the following:

52 Stat. 16.
12 USC 1713.

"(d) In order to carry out the purposes of this section, the Secretary is authorized to insure any mortgage which covers a new or rehabilitated nursing home, including equipment to be used in its operation, subject to the following conditions:"; and

(3) by striking out "when the proposed improvements are completed" before the period at the end of subsection (d) (2) and inserting in lieu thereof the following: ", including equipment to be used in the operation of the nursing home, when the proposed improvements are completed and the equipment is installed".

FLEXIBLE INTEREST RATES FOR CERTAIN FHA INSURANCE PROGRAMS

Ante, p. 113.

SEC. 315. Section 3(a) of the Act entitled "An Act to amend chapter 37 of title 38 of the United States Code with respect to the veterans' home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes", approved May 7, 1968, is amended by inserting "235(j) (2) (C), 236 (j) (4) (B), 240(c) (4), 241(b) (3), 242(d) (3) (B)," after "234(f),".

FHA SECTION 221(h) PROGRAM

80 Stat. 1268.
12 USC 1715*l*.

SEC. 316. (a) Section 221(h) (2) (A) of the National Housing Act is amended to read as follows:

"(A) be executed by a private nonprofit corporation or association, approved by the Secretary, for financing the purchase and rehabilitation (with the intention of subsequent resale) of property comprising one or more tracts or parcels, whether or not contiguous, upon which there is located deteriorating or substandard housing consisting of (i) four or more single-family dwellings of detached, semidetached, or row construction, or (ii) four or more one-family units in a structure or structures for which a plan of family unit ownership approved by the Secretary is established;"

(b) Section 221(h) of such Act is amended by adding at the end thereof (after the new paragraph added by section 101(c) (3) of this Act) two new paragraphs as follows:

"(7) Where the Secretary has approved a plan of family unit ownership, the terms 'single-family dwelling', 'single-family dwellings', 'individual dwelling', an 'individual dwellings' shall mean a family unit or family units, together with the undivided interest (or interests) in the common areas and facilities.

"(8) For purposes of this subsection, the terms 'single-family dwelling' and 'single-family dwellings' (except for purposes of paragraph (7)) shall include a two-family dwelling which has been approved by the Secretary if one of the units is to be occupied by the owner."

HOUSING IN OUTLYING AREAS

71 Stat. 295;
79 Stat. 466.
12 USC 1709.

SEC. 317. Section 203(i) of the National Housing Act is amended by striking out "not in excess of \$12,500" and inserting in lieu thereof "not in excess of \$13,500".

SEASONAL HOMES

52 Stat. 10;
80 Stat. 1266.

SEC. 318. Section 203 of the National Housing Act is amended by adding at the end thereof the following new subsection:

"(m) The Secretary is authorized to insure under this section any mortgage meeting the requirements of subsection (b) of this section, except as modified by this subsection. To be eligible, the mortgage shall involve a principal obligation not in excess of \$15,000 and not

in excess of 75 per centum of the appraised value of the property, as of the date the mortgage is accepted for insurance. The mortgage shall cover a dwelling for single-family occupancy which is approved for mortgage insurance prior to the beginning of construction. The dwelling need not be designed for year-round occupancy, but it shall (1) meet standards prescribed by the Secretary, and (2) be located in an area where the Secretary finds it is not practicable to obtain conformity with many of the requirements essential to the insuring of mortgages on housing in built-up urban areas. The development of the property with respect to which the mortgage is executed shall be consistent with the conservation of water and other natural resources of the area, and such property shall be an acceptable risk, giving consideration to the economic potential of the area in which the dwelling is located and the contribution that the housing will make toward improving the area. The Secretary may suspend the issuance of commitments under this subsection for the insurance of mortgages secured by properties situated in any area, whenever he determines that (i) there is a serious and unusual shortage of mortgage funds for residential construction in such area, (ii) such insurance would affect materially and adversely the availability of mortgage funds for residential construction in such area, and (iii) such suspension would not have an adverse impact upon the balanced economic development of the area."

TITLE IV—GUARANTEES FOR FINANCING NEW COMMUNITY LAND DEVELOPMENT

CITATION

SEC. 401. This title may be referred to as the "New Communities Act of 1968".

Citation of title.

PURPOSE

SEC. 402. It is the purpose of this title, by facilitating the enlistment of private capital in new community development, to encourage the development of new communities that—

(1) contribute to the general betterment of living conditions through the improved quality of community development made possible by a consistent design for the provision of homes, commercial and industrial facilities, public and community facilities, and open spaces;

(2) make substantial contributions to the sound and economic growth of the areas in which they are located;

(3) provide needed additions to the general housing supply;

(4) provide opportunities for innovation in housing and community development technology and in land use planning;

(5) enlarge housing and employment opportunities by increasing the range of housing choice and providing new investment opportunities for industry and commerce;

(6) encourage the maintenance and growth of a diversified local homebuilding industry; and

(7) include, to the greatest extent feasible, the employment of new and improved technology, techniques, materials, and methods in housing construction, rehabilitation, and maintenance under programs administered by the Department of Housing and Urban Development with a view to reducing the cost of such construction, rehabilitation, and maintenance, and stimulating the increased and sustained production of housing under such programs.

GUARANTEE AUTHORITY

SEC. 403. To carry out the purposes of this title the Secretary is authorized to guarantee, and enter into commitments to guarantee, the bonds, debentures, notes, and other obligations issued by new community developers to help finance new community development projects. The Secretary may make such guarantees and enter into such commitments, subject to the limitations contained in sections 404 and 405, upon such terms and conditions as he may prescribe, taking into account (1) the large initial capital investment required to finance sound new communities, (2) the extended period before initial returns on this type of investment can be expected, (3) the irregular pattern of cash returns characteristic of such investment, and (4) the financial and security interests of the United States in connection with guarantees made under this title.

ELIGIBLE NEW COMMUNITY DEVELOPMENT

SEC. 404. No guarantee or commitment to guarantee may be made under this title unless the Secretary has determined that—

(1) the proposed new community (A) will be economically feasible in terms of economic base or potential for growth, and (B) will contribute to the orderly growth and development of the area of which it is a part;

(2) there is a practicable plan (including appropriate time schedules) for financing the land acquisition and land development costs of the proposed new community and for improving and marketing the land which, giving due consideration to the public purposes of this title and the special problems involved in financing new communities, represents an acceptable financial risk to the United States;

(3) there is a sound internal development plan for the new community which (A) has received all governmental approvals required by State or local law or by the Secretary; and (B) is acceptable to the Secretary as providing reasonable assurance that the development will contribute to good living conditions in the area being developed, will be characterized by sound land use patterns, will include a proper balance of housing for families of low and moderate income, and will include or be served by such shopping, school, recreational, transportation, and other facilities as the Secretary deems satisfactory; and

(4) the internal development plan is consistent with a comprehensive plan which covers, or with comprehensive planning being carried on for, the area in which the land is situated, and which meets criteria established by the Secretary for such comprehensive plans or planning.

ELIGIBLE OBLIGATIONS

SEC. 405. (a) Any bond, debenture, note or other obligation guaranteed under this title shall—

(1) be issued by a new community developer, other than a public body, approved by the Secretary on the basis of financial, technical and administrative ability which demonstrates his capacity to carry out the proposed project;

(2) be issued to and held by investors approved by, or meeting requirements prescribed by, the Secretary, or if an offering to the public is contemplated, be underwritten upon terms and conditions approved by the Secretary;

(3) be issued to finance a program of land development (including acquisition or use of land) approved by the Secretary: *Provided*, That the Secretary shall, through cost certification procedures, escrow or trusteeship requirements, or other means, insure that all proceeds from the sale of obligations guaranteed under this title are expended pursuant to such program;

(4) involve a principal obligation in an amount not to exceed the lesser of (A) 80 per centum of the Secretary's estimate of the value of the property upon completion of the land development or (B) the sum of 75 per centum of the Secretary's estimate of the value of the land before development and 90 per centum of his estimate of the actual cost of the land development;

(5) bear interest at a rate satisfactory to the Secretary, such interest to be exclusive of any service charges and fees that may be approved by the Secretary;

(6) contain repayment and maturity provisions satisfactory to the Secretary; and

(7) contain provisions which the Secretary shall prescribe with respect to the protection of the security interests of the United States (including subrogation provisions), liens and releases of liens, payment of taxes, and such other matters as the Secretary may, in his discretion, prescribe.

(b) The outstanding principal obligations guaranteed under this title with respect to a single new community development project shall at no time exceed \$50,000,000.

FEEES AND CHARGES

SEC. 406. The Secretary is authorized to establish and collect fees for guarantees made under this title and may make such charges as he considers reasonable for the analysis of development and financing plans and for appraisals and inspections related to new community development projects. On or before January 1, 1970, the Secretary shall make a report to the Congress concerning the fees and other charges under this title that he estimates will be adequate to provide income sufficient for a self-supporting program.

Report to Con-
gress.

GUARANTEE FUND

SEC. 407. (a) To provide for the payment of any liabilities incurred as a result of guarantees made under this title, the Secretary is authorized to establish a revolving fund which shall be comprised of (1) receipts from fees and charges; (2) recoveries under security or subrogation rights or other rights, and any other receipts obtained in connection with such guarantees; and (3) such sums, which are hereby authorized to be appropriated, as may be required for program operations and nonadministrative expenses and to make any and all payments guaranteed under this title.

(b) The full faith and credit of the United States is pledged to the payment of all guarantees made under this title with respect to both principal and interest, including (1) interest, as may be provided for in the guarantee, accruing between the date of default under a guaranteed obligation and the payment in full of the guarantee, and (2) principal and interest due under any debentures issued by the Secretary toward payment of guarantees made under this title.

(c) Notwithstanding any other provision of law relating to the acquisition, handling, improvement, or disposal of real and other property by the United States, the Secretary shall have power, for the protection of the interests of the guarantee fund authorized under this section, to pay out of such fund all expenses or charges in con-

nection with the acquisition, handling, improvement, or disposal of any property acquired by him under this title; and notwithstanding any other provision of law, the Secretary shall also have power to pursue to final collection by way of compromise or otherwise all claims acquired by him in connection with any security, subrogation, or other rights obtained by him in carrying out this title.

(d) The aggregate of the outstanding principal obligations guaranteed under this title shall at no time exceed \$250,000,000.

INCONTESTABILITY

SEC. 408. Any guarantee made by the Secretary under this title shall be conclusive evidence of the eligibility of the obligations for such guarantee, and the validity of any guarantee so made shall be incontestable in the hands of a qualified holder of the guaranteed obligation except for fraud or material misrepresentation on the part of such holder.

ENCOURAGEMENT OF SMALL BUILDERS

SEC. 409. The Secretary shall adopt such requirements as he deems necessary to assure that new community construction assisted under this title will encourage the maintenance of a diversified local home-building industry and broad participation by builders, particularly small builders.

LABOR

SEC. 410. All laborers and mechanics employed by contractors or subcontractors in land development assisted under section 403 shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). No assistance shall be extended under section 403 for land development without first obtaining adequate assurance that these labor standards will be maintained upon the construction work involved in such development. The Secretary of Labor shall have, with respect to the labor standards specified in this section, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267), and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

49 Stat. 1011;
78 Stat. 238.

63 Stat. 108.

REAL PROPERTY TAXATION

SEC. 411. Nothing in this title shall be construed to exempt any real property that may be acquired and held by the Secretary as a result of the exercise of lien or subrogation rights from real property taxation to the same extent, according to its value, as other real property is taxed.

SUPPLEMENTARY GRANTS

SEC. 412. (a) The Secretary is authorized to make supplementary grants to State and local public bodies and agencies carrying out new community assistance projects, as defined in section 415(c), if the Secretary determines that such grants are necessary or desirable for carrying out a new community development project approved for assistance under section 403, and that a substantial number of housing units for low and moderate income persons is to be made available through such development project.

(b) In no case shall any grant under this section exceed 20 per centum of the cost of the new community assistance project for which the grant is made; and in no case shall the total Federal contributions to the cost of such project be more than 80 per centum.

Federal contri-
bution.

(c) In carrying out his authority under this section the Secretary shall consult with the Secretary of Agriculture with respect to new community assistance projects assisted by that Department, and he shall, for the purpose of subsection (b), accept that Department's certifications as to the cost of such projects.

(d) There are authorized to be appropriated for grants under this section not to exceed \$5,000,000 for the fiscal year ending June 30, 1969, and not to exceed \$25,000,000 for the fiscal year ending June 30, 1970. Any amounts so appropriated shall remain available until expended, and any amounts authorized for any fiscal year under this subsection but not appropriated may be appropriated for any succeeding fiscal year commencing prior to July 1, 1970.

Appropriations.

GENERAL PROVISIONS AND RULES AND REGULATIONS

SEC. 413. In the performance of, and with respect to, the functions, powers, and duties vested in him by this title, the Secretary shall (in addition to any authority otherwise vested in him) have the functions, powers, and duties (including the authority to issue rules and regulations) set forth in section 402, except subsections (c) (2), (d), and (f), of the Housing Act of 1950: *Provided*, That subsection (d) (1) of section 402 shall not apply with respect to functions, powers, and duties under section 412 of this title.

64 Stat. 78;
73 Stat. 681.
12 USC 1749a.

AUDIT BY GENERAL ACCOUNTING OFFICE

SEC. 414. Insofar as they relate to any grants or guarantees made pursuant to this title, the financial transactions of recipients of Federal grants or of developers whose obligations are guaranteed by the United States pursuant to this title may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, account, records, reports, files, and all other papers, things, or property belonging to or in use by such developers or recipients of grants pertaining to such financial transactions and necessary to facilitate the audit.

GAO access to
records, etc.

DEFINITIONS

SEC. 415. As used in this title—

(a) The term "land development" means the process of grading land, making, installing, or constructing water lines and water supply installations, sewer lines and sewage disposal installations, steam, gas, and electric lines and installations, roads, streets, curbs, gutters, sidewalks, storm drainage facilities, and other installations or work, whether on or off the site, which the Secretary deems necessary or desirable to prepare land for residential, commercial, industrial, or other uses, or to provide facilities for public or common use. The term "land development" shall not include any building unless it is (1) a building which is needed in connection with a water supply or sewage disposal installation or a steam, gas, or electric line or installation, or (2) a building, other than a school, which is to be owned and maintained jointly by the residents of the new community or is to be transferred to public ownership, but not prior to its completion.

(b) The term "actual costs" means the costs (exclusive of rebates or discounts) incurred by a new community developer in carrying out the land development assisted under this title. These costs may include amounts paid for labor, materials, construction contracts, land planning, engineers' and architects' fees, surveys, taxes, and interest during development, organizational and legal expenses, such allocation of gen-

eral overhead expenses as are acceptable to the Secretary, and other items of expense incidental to development which may be approved by the Secretary. If the Secretary determines that there is an identity of interest between the new community developer and a contractor, there may be included as a part of actual costs an allowance for the contractor's profit in an amount deemed reasonable by the Secretary.

(c) The term "new community assistance projects" means projects assisted by grants made under section 702 of the Housing and Urban Development Act of 1965, section 306(a) (2) of the Consolidated Farmers' Home Administration Act, or title VII of the Housing Act of 1961.

CONFORMING AMENDMENTS

SEC. 416. (a) Section 202(b) (4) of the Housing Amendments of 1955 is amended by adding before the period at the end of the second sentence "or under title IV of the Housing and Urban Development Act of 1968".

(b) The first paragraph of section 24 of the Federal Reserve Act is amended by striking out all that follows "national banking association" in the fourth sentence and adding "may make loans or purchase obligations for land development which are secured by mortgages insured under title X of the National Housing Act or guaranteed under title IV of the Housing and Urban Development Act of 1968".

(c) The paragraph which, prior to the amendments made by this Act, was the next to last paragraph of section 5(c) of the Home Owners' Loan Act of 1933 is amended by adding at the end thereof the following new sentence: "Without regard to any other provision of this subsection, an association may invest in loans or obligations, or interests therein, as to which the association has the benefit of any guaranty under title IV of the Housing and Urban Development Act of 1968, as now or hereafter in effect, or of a commitment or agreement therefor, and such investments shall not be included in any percentage of assets or other percentage referred to in this subsection."

TITLE V—URBAN RENEWAL

NEIGHBORHOOD DEVELOPMENT PROGRAMS

SEC. 501. (a) Title I of the Housing Act of 1949 is amended by adding after the title heading the following new subheading:

"PART A—URBAN RENEWAL PROJECTS, DEMOLITION PROGRAMS, AND CODE ENFORCEMENT PROGRAMS"

(b) Title I of such Act is further amended by adding at the end thereof the following new part:

"PART B—NEIGHBORHOOD DEVELOPMENT PROGRAMS

"PURPOSE AND AUTHORITY

"SEC. 131. (a) To facilitate more rapid renewal and development of urban areas on an effective scale, and to encourage more efficient and flexible utilization of public and private development opportunities by local communities in such areas, the Secretary is authorized to make financial assistance available under this title to local public agencies for undertakings and activities which are carried out under a neighborhood development program approved by him pursuant to this part.

"(b) A neighborhood development program shall consist of urban renewal project undertakings and activities in one or more urban re-

79 Stat. 490.
42 USC 3102.
79 Stat. 931.
7 USC 1926.
75 Stat. 183;
79 Stat. 494.
42 USC 1500-
1500e.

75 Stat. 174;
80 Stat. 1273.
42 USC 1492.

69 Stat. 633.
12 USC 371.

79 Stat. 461.
12 USC 1749aa.

79 Stat. 465.
12 USC 1464.

63 Stat. 414;
79 Stat. 457, 477.
42 USC 1450-
1468.

new areas which are planned and carried out on the basis of annual increments in accordance with the provisions of this title for planning and carrying out urban renewal projects, except as modified by the provisions of this part.

“(c) No application for financial assistance in planning and carrying out a neighborhood development program shall be approved by the Secretary unless—

“(1) the governing body of the locality has, by resolution or ordinance, approved the proposed program and the annual increment covered by the application and authorized the filing of the application for financial assistance; and

“(2) the Secretary has concluded that there is the necessary capacity to carry out the undertakings and activities included under the program.

“FINANCIAL PROVISIONS

“SEC. 132. (a) Upon the approval of a neighborhood development program by the Secretary, the cost of any undertakings and activities authorized as part of the program shall be financed in accordance with the loan, capital grant, and project cost provisions of part A, except that—

42 USC 1450-1468.

“(1) net project cost may be calculated on the basis of costs incurred and proceeds derived for the account of the program during a specified twelve-month period, and may be recalculated for succeeding periods of twelve months to reflect additional costs and additional proceeds since the date of the last computation or recomputation; and

“(2) if property has been acquired but not disposed of prior to the computation or recomputation of net project cost, temporary loans made or secured under this title to finance undertakings or activities included in the program may remain outstanding until the property has been disposed of and the proceeds thereof together with additional funds becoming available to the program, are sufficient to permit repayment of the loans.

“(b) In the event that gross project cost as computed for a specified twelve-month period is exceeded, with respect to that period, by the sum of (1) the sales price of land or other property sold, and (2) the imputed capital value of land or other property leased or retained by the local public agency in accordance with the provisions of the urban renewal plan, the local public agency shall pay to the Secretary two-thirds of the excess (or three-fourths in the case of a program on a three-fourths grant basis), which amount shall be available to the Secretary for grant payments under section 103.

63 Stat. 416;
73 Stat. 672.
42 USC 1453.

“LOCAL GRANTS-IN-AID

“SEC. 133. (a) For the purpose of determining the eligibility of local grants-in-aid in connection with undertakings and activities carried out under a neighborhood development program, the three-year period referred to in the second paragraph of section 110(d) shall be deemed to be a period of three years prior to the authorization by the Secretary of the first contract for financial assistance under the program which includes the urban renewal area which is benefited by the public improvement or facility for which credit is claimed; and the seven-year period referred to in clause (1) of section 112(b) shall be deemed to be a period of seven years prior to the date of authorization by the Secretary of the first contract for financial assistance under the program which includes the urban renewal area which is benefited by the expenditures for which credit is claimed.

73 Stat. 675.
42 USC 1460.

75 Stat. 169.
42 USC 1463.

"(b) No portion of the cost of a public improvement or public facility (to the extent otherwise eligible) may be included as a local grant-in-aid in computing the gross project cost of an approved program for any twelve-month period—

"(1) prior to commencement of construction of the improvement or facility, or

"(2) in excess of the amount actually expended or obligated by contract.

70 Stat. 1101.
42 USC 1454.

"(c) The provisions of section 104 with respect to the pooling of local grants-in-aid among the various projects undertaken by a local public agency shall not be applicable with respect to any excess local grants-in-aid resulting from the urban renewal projects contained in a neighborhood development program.

"GENERAL PROVISIONS

"SEC. 134. (a) For purposes of this part—

68 Stat. 623.
42 USC 1451.

"(1) the workable program requirement in section 101(c) shall apply to the authorization, rather than the execution, of any contract for loans or capital grants;

"(2) capital grants on a three-fourths basis may only be made under section 103(a)(2)(B);

79 Stat. 479.
42 USC 1453.
79 Stat. 475.
42 USC 1455.
73 Stat. 674.
42 USC 1456.

"(3) the relocation requirements specified in section 105(c) shall apply to each annual increment of an approved program;

"(4) section 106(g) (relating to transient housing) shall apply to activities undertaken under approved programs, except that the determination as to need for transient housing shall be made with respect to any sale or lease of land for construction of such housing prior to such sale or lease; and

70 Stat. 1097.
42 USC 1460.

"(5) the requirement concerning demolition and removal of buildings and improvements stated in clause (A) of the sentence following paragraph (10) of section 110(c) shall apply to each annual increment of an approved program.

"(b) The approval by the Secretary of financial assistance for one or more annual increments of a neighborhood development program shall not be considered as obligating him to provide financial assistance for any subsequent annual increments.

71 Stat. 301.

"(c) The urban renewal plan referred to in section 110(b) may cover one or more of the urban renewal areas covered by a neighborhood development program and such plan may be modified from time to time to cover additional urban renewal areas added to the program. The Secretary may establish such requirements as he deems appropriate prescribing the scope and content of such plan, taking into consideration, among other matters, the degree of detail needed in the plan to properly and expeditiously carry out the activities and undertakings proposed in any annual increment of a neighborhood development program."

(c) Notwithstanding any requirement or condition to the contrary in section 6 or 20(i) of the District of Columbia Redevelopment Act of 1945 or in any other provision of law, the District of Columbia Redevelopment Land Agency may plan and undertake neighborhood development programs under part B of title I of the Housing Act of 1949 (as added by this section), subject to all of the provisions of such Act of 1945 to the extent not inconsistent with such part B, and any such program shall be regarded as complying with the requirements of such sections 6 and 20(i) and of such other provision of law if it meets the applicable requirements established under such part B.

60 Stat. 794;
68 Stat. 630.
D.C. Code 5-
705, 5-717a.

INCREASED AUTHORIZATION

SEC. 502. (a) Section 103(b) of the Housing Act of 1949 is amended by striking out everything in the first sentence after "exceed" and inserting in lieu thereof "\$7,600,000,000, which amount shall be increased by \$1,400,000,000 on July 1, 1969".

63 Stat. 416;
79 Stat. 475.
42 USC 1453.

(b) Section 103(b) of such Act is further amended by striking out "\$250,000,000" in the second sentence and inserting in lieu thereof "\$600,000,000".

80 Stat. 1260.

REHABILITATION GRANTS

SEC. 503. (a) The second sentence of section 115(a) of the Housing Act of 1949 is amended by striking out the words "a structure" and "such structure" and inserting in lieu thereof "real property" and "such real property", respectively.

79 Stat. 457.
42 USC 1466.

(b) Section 115(b) of such Act is amended by striking out "\$1,500" and inserting in lieu thereof "\$3,000".

(c) Section 115(a) of such Act is amended by inserting "(1)" after "(a)", and by adding at the end thereof a new paragraph as follows:

"(2) In addition to the authority conferred by paragraph (1), and notwithstanding any other provision of this title, the Secretary is authorized, through the utilization of local public agencies where feasible, to make grants (payable from any grant funds provided under section 103(b)) to an individual or family, as described in subsection (b), to cover the cost of repairs and improvements necessary to make real property owned and occupied by such individual or family conform to public standards for decent, safe, and sanitary housing. No grants shall be made under this paragraph in the case of any property, unless (A) such property is in an area within a locality (other than an urban renewal or code enforcement area) which the governing body of the locality has determined, and so certifies to the Secretary, contains a substantial number of structures in need of such repairs and improvements, (B) there is in effect for the locality a workable program meeting the requirements of section 101(c), and (C) the area is definitely planned for rehabilitation or concentrated code enforcement within a reasonable time, and such repairs and improvements to such property are consistent with the plan for rehabilitation or concentrated code enforcement."

68 Stat. 623.
42 USC 1451.

(d) Section 115 of such Act is further amended—

(1) by redesignating subsection (b) as subsection (c) and inserting after subsection (a) a new subsection (b) as follows:

"(b) The Secretary is authorized to make grants (payable from any grant funds provided under section 103(b)), through the utilization of local public and private agencies where feasible, to an individual or family, as described in subsection (c), who owns and occupies real property which has been determined to be uninsurable because of physical hazards after an inspection pursuant to a statewide property insurance plan approved by the Secretary under title XII of the National Housing Act. Such grants may only be made to rehabilitate such property to the extent which the Secretary determines to be necessary to make it meet reasonable underwriting standards imposed by such plan."; and

Post, p. 556.

(2) by striking out "subsection (b)" in subsection (a) and inserting in lieu thereof "subsection (c)".

REHABILITATION IN URBAN RENEWAL AREAS

SEC. 504. Section 110(c) (8) of the Housing Act of 1949 is amended by striking out (1) "guidance purposes, and", and (2) the proviso at the end thereof.

70 Stat. 1097;
78 Stat. 788.
42 USC 1460.

DISPOSITION OF PROPERTY FOR LOW AND MODERATE INCOME HOUSING

78 Stat. 786.
42 USC 1457.

SEC. 505. Section 107(a) of the Housing Act of 1949 is amended—

(1) by inserting after “public body or agency,” the following: “or other approved purchaser or lessee,”;

(2) by inserting “, section 221(h)(1), section 235(j)(1), or section 236” after “or (d)(4)”;

(3) by inserting “or lessee” after “a purchaser” and after “such purchaser”, and “or lease” after “purchase”;

(4) by striking out “rental or cooperative”;

(5) by striking out “moderate” and inserting in lieu thereof “low or moderate”; and

(6) by inserting before the period at the end thereof the following: “: *Provided*, That when property is made available under clause (1) to an approved purchaser or lessee other than a limited dividend corporation, nonprofit corporation or association, cooperative, or public body or agency, the Secretary shall assure that the benefits of this subsection will go to the occupant of the property rather than to such purchaser or lessee”.

GRANTS FOR LOW AND MODERATE INCOME HOUSING IN OPEN LAND PROJECTS

63 Stat. 416;
75 Stat. 165.
42 USC 1453.

SEC. 506. Section 103(a)(1) of the Housing Act of 1949 is amended by inserting before the period at the end thereof the following: “, except that he may contract for a grant in an amount not to exceed two-thirds of the difference between the proceeds from any land disposed of pursuant to section 107 and the fair value of the land without regard to such section”.

URBAN RENEWAL LOAN CONTRACTS

63 Stat. 414.
42 USC 1452.1

SEC. 507. (a) Section 102(c) of the Housing Act of 1949 is amended—

(1) by striking out “at interest rates lower than provided in the loan contract” in the first sentence; and

(2) by inserting before the period at the end of the first sentence the following: “: *Provided*, That, if at any time during the undertaking of the project, the interest rate on such a loan from a source other than the Federal Government is greater than the rate at which funds could be made available under the Federal loan contract, the Secretary may make a supplemental grant to the local public agency in the amount of the difference between the interest cost from such sources and the interest cost at the contract rate, and no part of the amount of any such grant shall be required to be contributed as a part of the local grant-in-aid”.

(b) Loan contracts outstanding on the date of enactment of this section may be amended to incorporate the provisions authorized by the amendment contained in subsection (a) without regard to the proviso in section 110(g) of the Housing Act of 1949.

68 Stat. 626.
42 USC 1460.

PROJECT COMPLETION PRIOR TO DISPOSITION OF CERTAIN PROPERTY

63 Stat. 417.
42 USC 1456.

SEC. 508. (a) Section 106 of the Housing Act of 1949 is amended by adding at the end thereof the following new subsection:

“(i) Upon a determination by the Secretary that (1) not more than 5 per centum of the total area of land acquired as part of an urban renewal project remains to be disposed of, (2) the local public agency does not expect to be able, due to circumstances beyond its control, to dispose of such land in the near future, (3) all other project activities are completed, and (4) the local public agency has agreed to dispose

of or retain such land for uses in accordance with the urban renewal plan, the urban renewal project may be deemed completed, and the net project cost may be computed and the capital grant paid."

(b) Section 110(f) of such Act is amended by inserting before the period at the end thereof the following: "or for subsequent disposition or retention as provided under section 106(i)".

68 Stat. 626.
42 USC 1460.

REHABILITATION LOANS

SEC. 509. (a) The first sentence of section 312(d) of the Housing Act of 1964 is amended to read as follows: "There is authorized to be appropriated not to exceed \$150,000,000 for each fiscal year which shall constitute a revolving fund to be used by the Secretary in carrying out this section."

78 Stat. 790;
79 Stat. 479.
42 USC 1452b.

(b) Section 312(h) of such Act is amended by striking out "October 1, 1969" and inserting in lieu thereof "June 30, 1973".

(c) Section 312(a) of such Act is amended to read as follows:

"(a) The Secretary is authorized, through the utilization of local public and private agencies where feasible, to make loans as herein provided to the owners and tenants of property to finance the rehabilitation of such property. No loan shall be made under this section unless—

"(1) (A) the property is situated in an urban renewal area or an area in which a program of concentrated code enforcement activity is being carried out pursuant to section 117 of the Housing Act of 1949, and the rehabilitation is required to make the property conform to applicable code requirements or to carry out the objectives of the urban renewal plan for the area and, in addition, to generally improve the condition of the property; or

79 Stat. 478.
42 USC 1468.

"(B) (i) the property is in an area (other than an area described in subparagraph (A) which the governing body of the locality has determined, and so certifies to the Secretary, contains a substantial number of structures in need of rehabilitation, (ii) there is in effect for the locality a workable program meeting the requirements of section 101(c) of the Housing Act of 1949, (iii) the property is residential and owner-occupied, (iv) the property is in need of rehabilitation and is in violation of the local minimum housing or similar code, and (v) the area is definitely planned for rehabilitation or concentrated code enforcement within a reasonable time, and the rehabilitation of such property is consistent with the plan for rehabilitation or code enforcement;

68 Stat. 623.
42 USC 1451.

"(2) the applicant is unable to secure the necessary funds from other sources upon comparable terms and conditions; and

"(3) the loan is an acceptable risk taking into consideration the need for the rehabilitation, the security available for the loan, and the ability of the applicant to repay the loan."

(d) Section 312 of such Act is further amended—

(1) by inserting "or" after the semicolon at the end of paragraph (1)(B) in subsection (a) (as amended by subsection (c) of this section), and by inserting after such paragraph (1)(B) the following new subparagraph:

"(C) (i) the property has been determined to be uninsurable because of physical hazards after an inspection pursuant to a statewide property insurance plan approved by the Secretary under title XII of the National Housing Act, and (ii) the loan is made to the owner or tenant of the property to finance rehabilitation which the Secretary determines to be necessary to make the property meet reasonable underwriting standards: "; and

Post, p. 556.

(2) by striking out “or” after “applicable codes” in subsection (b) (1) and inserting in lieu thereof a comma, and by inserting after “urban renewal plan” in such subsection “, or a statewide property insurance plan”.

(e) Section 312(a) of such Act (as amended by the preceding provisions of this section) is amended by adding at the end thereof the following new sentence: “Notwithstanding the preceding provisions of this subsection, no loan with respect to residential property shall be made under this section to any person whose annual income, as determined pursuant to criteria and procedures established by the Secretary, exceeds the limits prescribed by the Secretary for occupants of projects financed with below-market interest rate mortgages insured (in the area involved) under section 221(d) (3) of the National Housing Act: *Provided*, That the provisions of this sentence shall not apply to property in the area of an urban renewal project or a code enforcement project for which the city or other local public body or agency is receiving financial assistance under title I of the Housing Act of 1949 if, prior to the date of enactment of the Housing and Urban Development Act of 1968, such local public body or agency specifically developed plans for such project in reliance upon the availability of loans under this section.”

75 Stat. 150.
12 USC 1715*l*.

42 USC 1450-
1468; *Ante*, p.
518.

DEMOLITION GRANTS

SEC. 510. (a) The first sentence of section 116(a) of the Housing Act of 1949 is amended by inserting after “unsound” the following: “, a harborage or potential harborage of rats,”.

(b) Section 116(b) of such Act is amended by inserting after the comma at the end of clause (2) the following: “or will be consistent with a systematic rodent control program being undertaken in the neighborhood,”.

79 Stat. 477.
42 USC 1467.

AIR RIGHTS SITES IN URBAN RENEWAL AREAS

SEC. 511. (a) Section 110(c) (1) (iv) of the Housing Act of 1949 is amended by striking out “for use for industrial development” and inserting in lieu thereof “for use for the development of industrial or educational facilities”.

(b) Section 110(c) (7) of such Act is amended by striking out “for industrial development” and inserting in lieu thereof “for the development of industrial or educational facilities”.

78 Stat. 787;
80 Stat. 1281.
42 USC 1460.

LOW AND MODERATE INCOME HOUSING IN RESIDENTIAL URBAN RENEWAL AREAS

SEC. 512. Section 105(f) of the Housing Act of 1949 is amended to read as follows:

“(f) A majority of the housing units provided in each community’s total of such approved urban renewal projects as will be redeveloped for predominantly residential uses and which receive Federal recognition after the date of enactment of the Housing and Urban Development Act of 1968 shall be standard housing units for low and moderate income families or individuals: *Provided*, That the units in each community’s total of such approved urban renewal projects which are for low-income families or individuals shall constitute at least 20 per centum of the units in such projects, except that the Secretary may waive the requirement of this proviso in any community to the extent that units for low-income families and individuals are not needed. The Secretary shall promptly report any waiver under the proviso in

Report of waiver
to congressional
committees.

the preceding sentence to the Committees on Banking and Currency of the Senate and the House of Representatives.”

WORKABLE PROGRAM REQUIREMENT IN CASE OF INDIAN TRIBES

SEC. 513. Section 101(c) of the Housing Act of 1949 is amended by inserting after “1964” in the second proviso the following: “or, in the case of an Indian tribe, band, or nation, commencing January 1, 1970”.

78 Stat. 785.
42 USC 1451.

INTERIM ASSISTANCE FOR BLIGHTED AREAS

SEC. 514. Title I of the Housing Act of 1949 is amended by adding after section 117 a new section as follows:

42 USC 1450-
1468.

“INTERIM ASSISTANCE FOR BLIGHTED AREAS

“SEC. 118. Notwithstanding any other provision of this title, the Secretary is authorized to enter into contracts (in an aggregate amount not to exceed \$15,000,000 in any fiscal year) to make, and to make, grants as provided in this section (payable from any grant funds provided under section 103(b)) to cities, other municipalities, and counties for the purpose of assisting such localities in carrying out programs to alleviate harmful conditions in slum and blighted areas which are planned for substantial clearance, rehabilitation, or federally assisted code enforcement in the near future but in which some immediate public action is needed until clearance, rehabilitation, or code enforcement activities can be undertaken. Such grants shall not exceed two-thirds (or three-fourths in the case of any city, other municipality, or county having a population of fifty thousand or less according to the most recent decennial census) of the cost of planning and carrying out programs which may include (1) the repair of streets, sidewalks, parks, playgrounds, publicly owned utilities, and public buildings to meet needs consistent with the short-term continued use of the area prior to the undertaking of the contemplated clearance or upgrading activities, (2) the improvement of private properties to the extent needed to eliminate the most immediate dangers to public health and safety, (3) the demolition of structures determined to be structurally unsound or unfit for human habitation and which constitute a public nuisance and serious hazard to the public health and safety, (4) the establishment of temporary public playgrounds on vacant land within the area, and (5) the improvement of garbage and trash collection, street cleaning, and similar activities. The Secretary shall encourage, wherever feasible, the employment of otherwise unemployed or underemployed residents of the area in carrying out the activities and undertakings assisted under this section. The provisions of sections 101(c), 106, and 114 shall be applicable to activities and undertakings assisted under this section to the same extent as if such activities and undertakings were being carried out in an urban renewal area as part of an urban renewal project.”

63 Stat. 416.
42 USC 1453.

68 Stat. 623;
63 Stat. 417;
78 Stat. 788.
42 USC 1451,
1456, 1465.

UTILIZATION OF LOCAL PRIVATE NONPROFIT AGENCIES FOR REHABILITATION GRANTS IN CODE ENFORCEMENT AREAS

SEC. 515. Section 117 of the Housing Act of 1949 is amended by inserting the following before the period at the end thereof: “: *Provided*, That the Secretary may, in addition to authorizing a local public agency to make grants as prescribed in section 115, make such grants through the utilization of local private nonprofit agencies”.

79 Stat. 478.
42 USC 1468.

42 USC 1466.

RELOCATION PAYMENTS

78 Stat. 788.
42 USC 1465.

SEC. 516. Section 114(c) of the Housing Act of 1949 is amended—

(1) by striking out the first sentence of paragraph (2) and inserting in lieu thereof the following: "In addition to any amount under paragraph (1), a local public agency may pay to or on behalf of any displaced family, displaced individual sixty-two years of age or over, or displaced handicapped individual, monthly payments over a period not to exceed twenty-four months in an amount not to exceed \$500 in the first twelve months and \$500 in the second twelve months to assist such displaced family or individual to secure a decent, safe, and sanitary dwelling.";

(2) by striking out "relocation adjustment" in the second sentence of paragraph (2) and inserting in lieu thereof "additional";

(3) by striking out the second proviso in paragraph (2) and inserting in lieu thereof the following: " : *Provided further*, That additional payments under this paragraph may be paid on a lump sum or other than monthly basis in cases in which the small size of the payments that would otherwise be required do not warrant a number of separate payments or in other cases in which other than monthly payments are determined warranted by the Secretary: *And provided further*, That no payment received under this paragraph shall be considered as income for the purpose of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal Act"; and

(4) by inserting a new paragraph (3) as follows:

"(3) In addition to any amount under paragraph (1), a local public agency may make a payment to a displaced family or individual, who does not receive the additional payment authorized under paragraph (2) and who is the owner of real property which is acquired for a project assisted under this title and which is improved by a single- or two-family dwelling occupied by the owner for a period of not less than one year prior to the initiation of negotiations for the acquisition of such property. Such payment, not to exceed \$5,000, shall be an amount which, when added to the acquisition payment, equals the average price required for a decent, safe, and sanitary dwelling of modest standards adequate in size to accommodate the displaced owner, reasonably accessible to public services and places of employment and available on the private market: *Provided*, That such payment may be made only to a displaced owner who purchases and occupies a dwelling within one year subsequent to the date on which he is required to move from the dwelling acquired for the project: *Provided further*, That no such payment may be made if the owner-occupant receives a payment required by the State law of eminent domain which is determined by the Secretary to have substantially the same purpose and effect as this paragraph and to be part of the cost of the project for which Federal financial assistance is available."

49 Stat. 620.
42 USC 1305.

TITLE VI—URBAN PLANNING AND FACILITIES

COMPREHENSIVE PLANNING

73 Stat. 678.
40 USC 461.

SEC. 601. Section 701 of the Housing Act of 1954 is amended to read as follows:

"COMPREHENSIVE PLANNING

"SEC. 701. (a) In order to assist State and local governments in solving planning problems, including those resulting from the increasing concentration of population in metropolitan and other urban areas

and the out-migration from and lack of coordinated development of resources and services in rural areas; to facilitate comprehensive planning for urban and rural development, including coordinated transportation systems, on a continuing basis by such governments; and to encourage such governments to establish and improve planning staffs and techniques on an areawide basis, and to engage private consultants where their professional services are deemed appropriate by the assisted governments, the Secretary is authorized to make planning grants to—

“(1) State planning agencies for the provision of planning assistance to (A) cities and other municipalities having a population of less than 50,000 according to the latest decennial census, and counties without regard to population: *Provided*, That grants shall be made under this paragraph for planning assistance to counties having a population of 50,000 or more, according to the latest decennial census, which are within metropolitan areas, only if (i) the Secretary finds that planning and plans for such county will be coordinated with the program of comprehensive planning, if any, which is being carried out for the metropolitan area of which the county is a part, and (ii) the aggregate amount of the grants made subject to this proviso does not exceed 15 per centum of the aggregate amount appropriated, after September 2, 1964, for the purposes of this section, (B) any group of adjacent communities, either incorporated or unincorporated, having a total population of less than 50,000 according to the latest decennial census and having common or related urban planning problems, (C) cities, other municipalities, and counties referred to in paragraph (3) of this subsection, and areas referred to in paragraph (4) of this subsection, and (D) Indian reservations;

“(2) State, metropolitan, and regional planning agencies for metropolitan or regional planning, and to cities, within metropolitan areas, for planning which is part of comprehensive metropolitan planning and which shall supplement and be coordinated with State, metropolitan, and regional planning;

“(3) (A) economic development districts designated by the Secretary of Commerce under title IV of the Public Works and Economic Development Act of 1965, and

“(B) cities, other municipalities, and counties which (i) are situated in redevelopment areas or economic development districts designated by the Secretary of Commerce under title IV of the Public Works and Economic Development Act of 1965, or (ii) have suffered substantial damage as a result of catastrophe which the President, pursuant to section 2(a) of the Act entitled ‘An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes’, approved September 30, 1950, as amended (42 U.S.C. 1855a), has determined to be a major disaster;

“(4) official governmental planning agencies for areas where rapid urbanization has resulted or is expected to result from the establishment or rapid and substantial expansion of a Federal installation, or for areas where rapid urbanization is expected to result on land developed or to be developed as a new community approved under section 1004 of the National Housing Act or title IV of the Housing and Urban Development Act of 1968;

“(5) States for State and interstate comprehensive planning and for research and coordination activity related thereto, including technical and other assistance for the establishment and operation of intrastate and interstate planning agencies;

79 Stat. 560.
42 USC 3161-
3171 and note.

64 Stat. 1109.

80 Stat. 1271.
12 USC 1749cc-1.
Ante, p. 513.

"(6) State planning agencies for assistance to district planning, or planning for areas within districts, carried on by or for district planning agencies;

"(7) metropolitan and regional planning agencies, with the approval of the State planning agency or (in States where no such planning agency exists) of the Governor of the State, for the provision of planning assistance within the metropolitan area or region to cities, other municipalities, counties, groups of adjacent communities, or Indian reservations described in clauses (A), (B), (C), and (D) of paragraph (1) of this subsection;

"(8) official governmental planning agencies for any area where there has occurred a substantial reduction in employment opportunities as the result of (A) the closing (in whole or in part) of a Federal installation, or (B) a decline in the volume of Government orders for the procurement of articles or materials produced or manufactured in such area;

"(9) tribal planning councils or other tribal bodies designated by the Secretary of the Interior for planning for an Indian reservation;

"(10) the various regional commissions established by the Appalachian Regional Development Act of 1965 or under the Public Works and Economic Development Act of 1965 for comprehensive planning for the regions established under such Acts (or State agencies or instrumentalities participating in such planning); and

"(11) local development districts, certified under section 301 of the Appalachian Regional Development Act of 1965, for comprehensive planning for their entire areas, or for metropolitan planning, urban planning, county planning, or small municipality planning within such areas in the Appalachian region, and for planning for Appalachian regional programs.

Planning assisted under this section shall, to the maximum extent feasible, cover entire areas having common or related development problems. The Secretary shall encourage cooperation in preparing and carrying out plans among all interested municipalities, political subdivisions, public agencies, and other parties in order to achieve coordinated development of entire areas. To the maximum extent feasible, pertinent plans and studies already made for areas shall be utilized so as to avoid unnecessary repetition of effort and expense. Planning which may be assisted under this section includes the preparation of comprehensive transportation surveys, studies, and plans to aid in solving problems of traffic congestion, facilitating the circulation of people and goods in metropolitan and other areas and reducing transportation needs. Planning carried out with assistance under this section shall also include a housing element as part of the preparation of comprehensive land use plans, and this consideration of the housing needs and land use requirements for housing in each comprehensive plan shall take into account all available evidence of the assumptions and statistical bases upon which the projection of zoning, community facilities, and population growth is based, so that the housing needs of both the region and the local communities studied in the planning will be adequately covered in terms of existing and prospective in-migrant population growth. Funds available under this section shall be in addition to and may be used jointly with funds available for planning surveys and investigations under other federally aided programs, and nothing contained in this section shall be construed as affecting the authority of the Secretary of Transportation under section 307 of title 23, United States Code.

79 Stat. 5.
40 USC app. 1.
79 Stat. 552.
42 USC 3121
note.

“(b) A planning grant made under subsection (a) shall not exceed two-thirds of the estimated cost of the work for which the grant is made: *Provided*, That such a grant may be made for up to 75 per centum of such estimated cost when made for planning primarily for (1) redevelopment areas, local development districts, or economic development districts, or portions thereof, described in paragraph (3) (A) and (B)(i) and paragraph (11) of subsection (a), (2) areas described in subsection (a)(8), and (3) the various regions, as described in subsection (a)(10). All grants made under this section shall be subject to terms and conditions prescribed by the Secretary. No portion of any grant made under this section shall be used for the preparation of plans for specific public works. The Secretary is authorized, notwithstanding the provisions of section 3648 of the Revised Statutes, as amended, to make advance or progress payments on account of any grant made under this section. There are authorized to be appropriated for the purposes of this section not to exceed \$265,000,000 prior to July 1, 1969, and not to exceed \$390,000,000 prior to July 1, 1970. Of the amount available prior to July 1, 1969, \$20,000,000 may be used only for district planning grants under subsection (a)(6), which amount shall be increased by \$10,000,000 on July 1, 1969. Any amounts appropriated under this section shall remain available until expended: *Provided*, That, of any funds appropriated under this section, not to exceed an aggregate of \$10,000,000 plus 5 per centum of the funds so appropriated may be used by the Secretary for studies, research, and demonstration projects, undertaken independently or by contract, for the development and improvement of techniques and methods for comprehensive planning and for the advancement of the purposes of this section, and for grants to assist in the conduct of studies and research relating to needed revisions in State statutes which create, govern, or control local governments and local governmental operations.

31 USC 529.
Appropriation.

“(c) The Secretary is authorized, in areas embracing several municipalities or other political subdivisions, to encourage planning on a unified regional, district, or metropolitan basis and to provide technical assistance for such planning and the solution of problems relating thereto.

“(d) It is the further intent of this section to encourage comprehensive planning, including transportation planning, for States, cities, counties, metropolitan areas, districts, regions, and Indian reservations and the establishment and development of the organizational units needed therefor. In extending financial assistance under this section, the Secretary may require such assurances as he deems adequate that the appropriate State and local agencies are making reasonable progress in the development of the elements of comprehensive planning. The Secretary is authorized to provide technical assistance to State and local governments and their agencies and instrumentalities, and to Indian tribal bodies, undertaking such planning and, by contract or otherwise, to make studies and publish information on related problems.

“(e) In the exercise of his responsibilities under this section, the Secretary shall consult with those officials of the Federal Government responsible for the administration of programs of Federal assistance to the States and municipalities for various categories of public facilities and other comprehensively planned activities. He shall, particularly, consult with the Secretary of Agriculture prior to his approval of any district planning grants under subsections (a)(6) and (g), and with the Secretary of Commerce prior to his approval of any planning grants which include any part of an economic development district as defined and designated under the Public Works and Eco-

Consultation
with other Govern-
ment officials.

79 Stat. 552.
42 USC 3121
note.

Interstate com-
pacts.

Historical sites
and structures,
study.

80 Stat. 915.
16 USC 470a.

Definitions.

nomic Development Act of 1965. The Secretary of Agriculture and the Secretary of Commerce, as appropriate, may provide technical assistance, with or without reimbursement, in connection with the establishment of districts by the Secretary of Housing and Urban Development and the carrying out of planning by such districts.

“(f) The consent of the Congress is hereby given to any two or more States to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative effort and mutual assistance in the comprehensive planning for the growth and development of interstate, metropolitan, or other urban areas, and to establish such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts.

“(g) In addition to the planning grants authorized by subsection (a), the Secretary is further authorized to make grants to organizations composed of public officials representative of the political jurisdictions within the metropolitan area, region, or district for the purpose of assisting such organizations to undertake studies, collect data, develop metropolitan, regional, and district plans and programs, and engage in such other activities, including implementation of such plans, as the Secretary finds necessary or desirable for the solution of the metropolitan, regional, or district problems in such areas, regions, or districts. To the maximum extent feasible, all grants under this subsection shall be for activities relating to all the developmental aspects of the total metropolitan area, region, or district including, but not limited to, land use, transportation, housing, economic development, natural resources development, community facilities, and the general improvement of living environments. A grant under this subsection shall not exceed two-thirds of the estimated cost of the work for which the grant is made.

“(h) In addition to the other grants authorized by this section, the Secretary is authorized to make grants to assist any city, other municipality, or county in making a survey of the structures and sites in such locality which are determined by its appropriate authorities to be of historic or architectural value. Any such survey shall be designed to identify the historic structures and sites in the locality, determine the cost of their rehabilitation or restoration, and provide such other information as may be necessary or appropriate to serve as a foundation for a balanced and effective program of historic preservation in such locality. The aspects of any such survey which relate to the identification of historic and architectural values shall be conducted in accordance with criteria found by the Secretary to be comparable to those used in establishing the national register maintained by the Secretary of the Interior under other provisions of law; and the results of each such survey shall be made available to the Secretary of the Interior. A grant under this subsection shall not exceed two-thirds of the cost of the survey for which it is made, and shall be made to the appropriate agency or entity specified in paragraphs (1) through (11) of subsection (a) or, if there is no such agency or entity which is qualified and willing to receive the grant and provide for its utilization in accordance with this subsection, directly to the city, other municipality, or county involved.

“(i) As used in this section—

“(1) The term ‘metropolitan area’ means a standard metropolitan statistical area, as established by the Bureau of the Budget, subject, however, to such modifications or extensions as the Secretary deems to be appropriate for the purposes of this section.

“(2) The term ‘region’ includes (A) all or part of the area of jurisdiction of one or more units of general local government, and (B) one or more metropolitan areas.

“(3) The term ‘district’ includes all or part of the area of jurisdiction of (A) one or more counties, and (B) one or more other units of general local government, but does not include any portion of a metropolitan area.

“(4) The term ‘comprehensive planning’ includes the following:

“(A) preparation, as a guide for governmental policies and action, of general plans with respect to (i) the pattern and intensity of land use, (ii) the provision of public facilities (including transportation facilities) and other government services, and (iii) the effective development and utilization of human and natural resources;

“(B) long-range physical and fiscal plans for such action;

“(C) programming of capital improvements and other major expenditures, based on a determination of relative urgency, together with definite financing plans for such expenditures in the earlier years of the program;

“(D) coordination of all related plans and activities of the State and local governments and agencies concerned; and

“(E) preparation of regulatory and administrative measures in support of the foregoing.

Comprehensive planning for the purpose of districts shall not include planning for or assistance to establishments in relocating from one area to another or assist subcontractors whose purpose is to divest, or whose economic success is dependent upon divesting, other contractors or subcontractors of contracts theretofore customarily performed by them: *Provided*, That this limitation shall not be construed to prohibit assistance for the expansion of an existing business entity through the establishment of a new branch, affiliate, or subsidiary of such entity, if the Secretary finds that the establishment of such branch, affiliate, or subsidiary will not result in an increase in unemployment in the area of original location or in any other area where such entity conducts business operations, unless the Secretary has reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations.

“(5) The term ‘State planning agencies’ includes official State planning agencies and (in States where no such planning agency exists) agencies or instrumentalities of State government designated by the Governor of the State and acceptable to the Secretary.

“(6) The terms ‘metropolitan planning agencies’, ‘regional planning agencies’, and ‘district planning agencies’ mean official metropolitan, regional, and district planning agencies, or other agencies and instrumentalities designated by the Governor (or Governors in the case of interstate planning), and acceptable to the Secretary, empowered under State or local law or interstate compact to perform metropolitan, regional, or district planning, respectively: *Provided*, That such agencies and instrumentalities shall, to the greatest practicable extent, be composed of or responsible to the elected officials of the unit or units of general local government for whose jurisdictions they are empowered to engage in planning.”

PLANNED AREAWIDE DEVELOPMENT

SEC. 602. (a) The heading of title II of the Demonstration Cities and Metropolitan Development Act of 1966 is amended to read as follows: “TITLE II—PLANNED AREAWIDE DEVELOPMENT”.

(b) Section 201 of such Act is amended to read as follows:

"FINDINGS AND DECLARATION OF PURPOSE

"Sec. 201. (a) The Congress hereby finds that the welfare of the Nation and of its people is directly dependent upon the sound and orderly development and the effective organization and functioning of our State and local governments.

"It further finds that it is essential that our State and local governments prepare, keep current, and carry out comprehensive plans and programs for their orderly physical development with a view to meeting efficiently all their economic and social needs.

"It further finds that our State and local governments are especially handicapped in this task by the complexity and scope of governmental services required, the multiplicity of political jurisdictions and agencies involved, and the inadequacy of the operational and administrative arrangements available for cooperation among them.

"It further finds that present requirements for areawide planning and programing in connection with various Federal programs have materially assisted in the solution of areawide problems, but that greater coordination of Federal programs and additional participation and cooperation are needed from the States and localities in perfecting and carrying out such efforts.

"(b) It is the purpose of this title to provide through greater coordination of Federal programs, and through supplementary grants for certain federally assisted development projects, additional encouragement and assistance to States and localities for making comprehensive areawide planning and programing effective."

(c) Section 202 of such Act is amended by striking out "metropolitan" each place it appears and inserting in lieu thereof "areawide".

(d) (1) Section 205 of such Act is amended by striking out "metropolitan development" each place it appears and inserting in lieu thereof "areawide development".

(2) Such section is further amended by striking out "metropolitan areas" and "metropolitan area" and inserting in lieu thereof "areas" and "area", respectively.

(3) Such section is further amended by striking out "metropolitan-wide" each place it appears, and inserting in lieu thereof "areawide".

(4) Such section is further amended by striking out "metropolitan planning" each place it appears and inserting in lieu thereof "areawide planning".

(5) Such section is further amended by inserting "where appropriate," after "(B)" in subsection (c) (1).

(6) Such section is further amended by striking out "within the metropolitanwide area" in subsection (f).

(e) (1) Paragraphs (1) and (2) of section 208 of such Act are amended by striking out "Metropolitan" and inserting in lieu thereof "Areawide".

(2) Paragraph (7) of such section is amended—

(A) by striking out "or metropolitan or regional" and inserting in lieu thereof "metropolitan, regional, or district"; and

(B) by striking out "metropolitan" in the parenthetical phrase.

(f) Section 206(b) of such Act is amended by striking out the second sentence and inserting in lieu thereof the following: "Any amounts appropriated under this section shall remain available until expended, and any amounts authorized for any fiscal year under this section but not appropriated may be appropriated for any succeeding fiscal year commencing prior to July 1, 1970."

80 Stat. 1261.

42 USC 3332.

42 USC 3335.

42 USC 3338.

42 USC 3336.

ADVANCE ACQUISITION OF LAND

SEC. 603. (a) Section 701 of the Housing and Urban Development Act of 1965 is amended by striking out "in connection with the future construction of public works and facilities" in clause (3) and inserting in lieu thereof "in the future for public purposes".

79 Stat. 489.
42 USC 3101.

(b) Section 704 of such Act is amended to read as follows:

42 USC 3104.

"ADVANCE ACQUISITION OF LAND

"SEC. 704. (a) In order to encourage and assist the timely acquisition of land planned to be utilized in the future for public purposes, the Secretary is authorized to make grants to States and local public bodies and agencies to assist in financing the acquisition of a fee simple estate or other interest in such land.

"(b) The amount of any grant made under this section shall not exceed the aggregate amount of reasonable interest charges on the loans or other financial obligations incurred to finance the acquisition of such land for a period not in excess of the lesser of (1) five years from the date of acquisition of such land or (2) the period of time between the date on which the land was acquired and the date its use began for the purpose for which it was acquired: *Provided*, That where all or any portion of the cost of such land is not financed through borrowings, the amount of the grant shall be computed on the basis of the aggregate amount of reasonable interest charges that the Secretary determines would have been required.

"(c) No grant shall be made under this section unless the Secretary determines that the land will be utilized for a public purpose within a reasonable period of time and that such utilization will contribute to economy, efficiency, and the comprehensively planned development of the area. The Secretary shall in all cases require that land acquired with the assistance of a grant under this section be utilized for a public purpose within five years after the date on which a contract to make such grant is entered into, unless the Secretary (1) determines that due to unusual circumstances a longer period of time is necessary and in the public interest, and (2) reports such determination promptly to the Committees on Banking and Currency of the Senate and House of Representatives.

Report to congressional committees.

"(d) No land acquired with assistance under this section shall, without approval of the Secretary, be diverted from the purpose originally approved. The Secretary shall approve no such diversion unless he finds that the diversion is in accord with the then applicable comprehensive plan for the area. In cases of a diversion of land to other than a public purpose, the Secretary may require repayment of the grant, or substitution of land of approximately equal fair market value, whichever he deems appropriate. An interim use of the land for a public or private purpose in accordance with standards prescribed by the Secretary, or approved by him, shall not constitute a diversion within the meaning of this subsection.

"(e) Notwithstanding any other provision of law, no project for which land is acquired with assistance under this section shall, solely as a result of such advance acquisition, be considered ineligible for the purpose of any other Federal loan or grant program, and the amount of the purchase price paid for the land by the recipient of a grant under this section may be considered an eligible cost for the purpose of such other Federal loan or grant program."

WATER AND SEWER FACILITIES PROGRAM

79 Stat. 490.
42 USC 3102.

SEC. 604. (a) Section 702(c) of the Housing and Urban Development Act of 1965 is amended by striking out "July 1, 1968" and inserting in lieu thereof "October 1, 1969".

(b) Section 702(b) of such Act is amended—

(1) by striking out "a basic public sewer facility" and inserting in lieu thereof "a basic public water or sewer facility"; and

(2) by striking out "a public or other adequate sewer facility" and inserting in lieu thereof "a public or other adequate water or sewer facility".

(c) Section 702 of such Act is amended by adding at the end thereof a new subsection as follows:

"(d) In the administration of this section the Secretary shall require that, to the greatest extent practicable, new job opportunities be provided for unemployed or underemployed persons in connection with projects the financing of which is assisted under this section."

AUTHORIZATIONS FOR THE WATER AND SEWER FACILITIES, NEIGHBORHOOD FACILITIES, AND ADVANCE ACQUISITION OF LAND PROGRAMS

42 USC 3108.

SEC. 605. (a) Section 708(b) of the Housing and Urban Development Act of 1965 is amended by striking out "July 1, 1969" and inserting in lieu thereof "July 1, 1970".

(b) Section 708(a) of such Act is amended—

(1) by striking out "\$200,000,000 for grants under section 702" and inserting in lieu thereof "\$200,000,000 (or \$350,000,000 in the case of the fiscal year commencing July 1, 1968) for grants under sections 702"; and

(2) by adding at the end thereof the following new sentence: "In addition, there is authorized to be appropriated for grants under section 702 not to exceed \$115,000,000 for the fiscal year commencing July 1, 1969."

OPEN-SPACE LAND PROGRAM

75 Stat. 184.
42 USC 1500a.

SEC. 606. (a) Section 702(b) of the Housing Act of 1961 is amended to read as follows:

"(b) There are authorized to be appropriated, for the purpose of making grants under this title, not to exceed \$310,000,000 prior to July 1, 1969, and not to exceed \$460,000,000 prior to July 1, 1970. Any amounts appropriated under this section shall remain available until expended."

75 Stat. 185;
79 Stat. 495, 497;
80 Stat. 1280.
42 USC 1500d.

(b) Section 708(b) of such Act is amended by striking out "\$50,000" and inserting in lieu thereof "\$125,000".

AUTHORIZATION TO MAKE FEASIBILITY STUDIES IN THE PUBLIC WORKS PLANNING ADVANCES PROGRAM

69 Stat. 641.
40 USC 462.

SEC. 607. Section 702(a) of the Housing Act of 1954 is amended by inserting after "to aid in financing the cost of" the following: "feasibility studies,".

TITLE VII—URBAN MASS TRANSPORTATION

GRANT AUTHORIZATIONS

78 Stat. 304;
80 Stat. 715.
49 USC 1603.

SEC. 701. (a) Section 4(b) of the Urban Mass Transportation Act of 1964 is amended (1) by striking out the word "and" where it first appears in the first sentence, and (2) by inserting before the period at the end of the first sentence "; and \$190,000,000 for fiscal year 1970".

(b) Section 6(c) of such Act is amended (1) by striking out “\$50,000,000” and inserting in lieu thereof “\$56,000,000”, and (2) by inserting at the end thereof the following: “On or after July 1, 1969, the Secretary may make available to finance projects under this section such additional sums out of the grant authorization provided in section 4(b) as he deems appropriate.”

79 Stat. 475;
80 Stat. 717.
49 USC 1605.

DEFINITION OF MASS TRANSPORTATION

SEC. 702. Section 12(c) (5) of the Urban Mass Transportation Act of 1964 is amended to read as follows:

“(5) the term ‘mass transportation’ means transportation by bus, rail, or other conveyance, either publicly or privately owned, which provides to the public general or special service (but not including school buses or charter or sightseeing service) on a regular and continuing basis.”

78 Stat. 306;
79 Stat. 507;
80 Stat. 715.
49 USC 1608.

EXTENSION OF EMERGENCY PROGRAM UNDER THE URBAN MASS TRANSPORTATION ACT

SEC. 703. Section 5 of the Urban Mass Transportation Act of 1964 is amended by striking out “November 1, 1968” and inserting in lieu thereof “July 1, 1970”.

78 Stat. 304;
81 Stat. 526.
49 USC 1604.

NON-FEDERAL SHARE OF NET PROJECT COST

SEC. 704. (a) Section 4(a) of the Urban Mass Transportation Act of 1964 is amended by striking out the last sentence and inserting in lieu thereof of following: “The remainder of the net project cost shall be provided, in cash, from sources other than Federal funds. Not more than 50 per centum of such remainder may be provided from other than public sources, and any public or private transit system funds shall be provided solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital; except that in cases of demonstrated fiscal inability of an applicant actively engaged in preparing and effectuating a program for a unified or officially coordinated urban transportation system as part of the comprehensively planned development of the urban area, such remainder may be provided from other than public sources. No refund or reduction of the remainder of the net project cost shall be made at any time unless there is at the same time a refund of a proportional amount of the Federal grant.”

78 Stat. 304.
49 USC 1603.

(b) Section 5 of such Act is amended by striking out the last sentence and inserting in lieu thereof the following: “The remainder of the net project cost shall be provided, in cash, from sources other than Federal funds. Not more than 50 per centum of such remainder may be provided from other than public sources, and any public or private transit system funds shall be provided solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital; except that in cases of demonstrated fiscal inability of an applicant actively engaged in preparing and effectuating a program for a unified or officially coordinated urban transportation system as part of the comprehensively planned development of the urban area, such remainder may be provided from other than public sources. No refund or reduction of the remainder of the net project cost shall be made at any time unless there is at the same time a refund of a proportional amount of the Federal grant.”

49 USC 1604.

TITLE VIII—SECONDARY MORTGAGE MARKET

PURPOSES

SEC. 801. The purposes of this title include the partition of the Federal National Mortgage Association as heretofore existing into two separate and distinct corporations, each of which shall have continuity and corporate succession as a separated portion of the previously existing corporation. One of such corporations, to be known as Federal National Mortgage Association, will be a Government-sponsored private corporation, will retain the assets and liabilities of the previously existing corporation accounted for under section 304 of the Federal National Mortgage Association Charter Act, and will continue to operate the secondary market operations authorized by such section 304. The other, to be known as Government National Mortgage Association, will remain in the Government, will retain the assets and liabilities of the previously existing corporation accounted for under sections 305 and 306 of such Act, and will continue to operate the special assistance functions and management and liquidating functions authorized by such sections 305 and 306.

Federal National Mortgage Association.

68 Stat. 615.
12 USC 1719.

Government National Mortgage Association.

12 USC 1720,
1721.

AMENDMENTS TO THE FEDERAL NATIONAL MORTGAGE ASSOCIATION CHARTER ACT

SEC. 802. (a) The heading of title III of the National Housing Act is amended by striking out "FEDERAL NATIONAL MORTGAGE ASSOCIATION" and inserting in lieu thereof "NATIONAL MORTGAGE ASSOCIATIONS".

68 Stat. 612.
12 USC 1716.

(b) Section 301 of such Act is amended—

- (1) by striking out "in the Federal Government a";
- (2) by striking out "facility for" and inserting in lieu thereof "facilities for";
- (3) by striking out "of such facility" and inserting in lieu thereof "thereof";
- (4) by striking out "facility to" and inserting in lieu thereof "facilities to"; and
- (5) by striking out "the existing mortgage portfolio of the Federal National Mortgage Association" and inserting in lieu thereof "federally owned mortgage portfolios".

12 USC 1717.

(c) Section 302(a) of such Act is amended—

- (1) by inserting "(1)" immediately following "(a)";
- (2) by striking out "(hereinafter referred to as the 'Association')"; and
- (3) by adding at the end thereof the following new paragraph:

"(2) On the effective date established pursuant to section 808 of the Housing and Urban Development Act of 1968, the body corporate described in the foregoing paragraph shall cease to exist in that form and is hereby partitioned into two separate and distinct bodies corporate, each of which shall have continuity and corporate succession as a separated portion of the previously existing body corporate, as follows:

"(A) One of such separated portions shall be a body corporate without capital stock to be known as Government National Mortgage Association (hereinafter referred to as the 'Association'), which shall be in the Department of Housing and Urban Development and which shall retain the assets and liabilities acquired and incurred under sections 305 and 306 prior to such effective date, including any and all liabilities incurred pursuant to section 302(c). The Association shall have succession until dissolved by Act of Congress. It shall maintain its principal office in the District of Columbia and shall be deemed, for purposes of venue in civil actions, to be a resident thereof. Agencies or

offices may be established by the Association in such other place or places as it may deem necessary or appropriate in the conduct of its business.

“(B) The other such separated portion shall be a body corporate to be known as Federal National Mortgage Association (hereinafter referred to as the ‘corporation’), which shall retain the assets and liabilities acquired and incurred under sections 303 and 304 prior to such effective date. The corporation shall have succession until dissolved by Act of Congress. It shall maintain its principal office in the District of Columbia and shall be deemed, for purposes of venue in civil actions, to be a resident thereof.”

68 Stat. 613.
12 USC 1718,
1719.

(d) Section 302(b) of such Act is amended—

12 USC 1717.

(1) by striking out “the Association is authorized” and inserting in lieu thereof “each of the bodies corporate named in subsection (a) (2) is authorized”;

(2) by striking out “lend (under section 304) on the security of,”;

(3) by inserting immediately before the colon in the first sentence “; and the corporation is authorized to lend on the security of any such mortgages and to purchase, sell, or otherwise deal in any securities guaranteed by the Association under section 306(g)”;

(4) by striking out “no mortgage may be purchased” and inserting in lieu thereof “the Association may not purchase any mortgage”.

(e) Section 302(c) (1) of such Act is amended by striking out “, consistent with section 307,”.

78 Stat. 800.

(f) Section 302(c) (2) (C) of such Act is amended to read as follows:

“(C) The Department of Housing and Urban Development.”

(g) Section 302(c) (2) of such Act is amended by striking out “incurred by the Federal National Mortgage” and inserting in lieu thereof “incurred by the”.

(h) The heading of section 303 of such Act is amended to read as follows: “CAPITALIZATION—FEDERAL NATIONAL MORTGAGE ASSOCIATION”.

(i) Section 303(a) of such Act is amended—

68 Stat. 613.
12 USC 1718.

(1) by striking out “nonvoting common stock” and inserting in lieu thereof “common stock, without par value, which shall be vested with all voting rights, each share being entitled to one vote with rights of cumulative voting at all elections of directors”;

(2) by striking out “nonvoting preferred stock” and inserting in lieu thereof “nonvoting preferred stock, with a par value of \$100 per share,”;

(3) by striking out the second and third sentences thereof and inserting in lieu thereof “The free transferability of the common stock at all times to any person, firm, corporation, or other entity shall not be restricted except that, as to the corporation, it shall be transferable only on the books of the corporation.”;

(4) by striking out “of the capital surplus and the general surplus accounts”;

(5) by striking out “retire” and inserting in lieu thereof “retire, at par,”; and

(6) by striking out “the Association shall deem feasible” and inserting in lieu thereof “possible subsequent to the effective date established pursuant to section 808 of the Housing and Urban Development Act of 1968”.

(j) Section 303(b) of such Act is amended—

(1) by striking out “for its services” and inserting in lieu thereof “, which may be regarded as elements of pricing,”; and

68 Stat. 614.
12 USC 1718.

- (2) by striking out the last sentence.
(k) Section 303(c) of such Act is amended—

(1) by striking out “(only in denominations of \$100 or multiples thereof)”;

(2) by inserting immediately after the first sentence the following: “In addition to the shares of common stock issued under the foregoing sentence, the corporation may issue additional shares in return for appropriate payments into capital or capital and surplus. The corporation shall at all times require each servicer of its mortgages to own a minimum amount of common stock of the corporation, measured by its stated value. Such minimum amount shall not exceed 2 per centum, as determined from time to time by the corporation with the approval of the Secretary of Housing and Urban Development, of the aggregate outstanding principal balances of all mortgages of the corporation which have been purchased subsequent to the effective date established pursuant to section 808 of the Housing and Urban Development Act of 1968 and which are then serviced by such servicer for the corporation.”; and

(3) by striking out “the general surplus account of the Association shall not be reduced through the payment of dividends applicable to such common stock which exceed in the aggregate 5 per centum of the par value of the outstanding common stock of the Association” and inserting in lieu thereof “the aggregate amount of cash dividends paid on account of any share of such stock shall not exceed any rate which may be determined from time to time by the Secretary of Housing and Urban Development to be a fair rate of return after consideration of the current earnings and capital condition of the corporation”.

(l) Section 303(d) of such Act is amended by striking out “\$225,000,000” and inserting in lieu thereof “\$225,000,000; but no such stock may be issued subsequent to the effective date established pursuant to section 808 of the Housing and Urban Development Act of 1968”.

(m) Section 303(f) of such Act is amended by striking out “contributions, and” inserting in lieu thereof “contributions, to purchase additional shares of such stock, and”.

Repeal.

(n) Section 303(g) of such Act is repealed.

(o) The heading of section 304 of such Act is amended to read as follows: “SECONDARY MARKET OPERATIONS—FEDERAL NATIONAL MORTGAGE ASSOCIATION”.

68 Stat. 615;
75 Stat. 176.
12 USC 1719.

(p) Section 304(a) (1) of such Act is amended by striking out “and the Association shall not purchase any mortgage insured or guaranteed prior to the effective date of the Housing Act of 1954”.

(q) Section 304(b) of such Act is amended by striking out “earnings and in” and inserting in lieu thereof “earnings unless a greater ratio shall be fixed at any time or from time to time by the Secretary of Housing and Urban Development. In”.

(r) Section 304(c) of such Act is amended by striking out “(1) all of the preferred stock of the Association held by the Secretary of the Treasury has been retired, or (2)”.

(s) Sections 303 and 304 of such Act, as amended by the foregoing subsections of this section, are further amended—

(1) by striking out “Association” each place it appears and inserting in lieu thereof, in each such place, “corporation”; and

(2) by striking out “Association’s” each place it appears and inserting in lieu thereof, in each such place, “corporation’s”.

12 USC 1720.

(t) The heading of section 305 of such Act is amended to read as follows: “SPECIAL ASSISTANCE FUNCTIONS—GOVERNMENT NATIONAL MORTGAGE ASSOCIATION”.

(u) The heading of section 306 of such Act is amended to read as follows: "MANAGEMENT AND LIQUIDATING FUNCTIONS—GOVERNMENT NATIONAL MORTGAGE ASSOCIATION".

68 Stat. 618.
12 USC 1721.

(v) Subsections (a) and (b) of section 307 of such Act are repealed.

Repeal.
12 USC 1722.

(w) Section 307 of such Act is further amended—

(1) by striking out "SEC. 307.";

(2) by striking out "(c) All of the benefits and burdens incident to the administration of" and inserting in lieu thereof the following:

"SEC. 307. All of the benefits and burdens incident to the administration of"; and

(3) by striking out "board of directors of the Association" and inserting in lieu thereof "Secretary of Housing and Urban Development".

(x) The heading of section 308 of such Act is amended to read as follows: "MANAGEMENT".

(y) Section 308 of such Act is amended—

12 USC 1723.

(1) by inserting "(a)" immediately following "308";

(2) by striking out the first two sentences and inserting in lieu thereof "All the powers and duties of the Government National Mortgage Association shall be vested in the Secretary of Housing and Urban Development and the Association shall be administered under the direction of the Secretary.";

(3) by striking out "the board shall determine" and inserting in lieu thereof "the Secretary shall determine";

(4) by striking out "Association. The chairman of the board" and inserting in lieu thereof "Association, and shall have power to adopt, amend, and repeal bylaws governing the performance of the powers and duties granted to or imposed upon it by law. The Secretary";

(5) by striking out "by the board of directors," and inserting in lieu thereof "by the Secretary,";

(6) by striking out the last sentence; and

(7) by adding at the end thereof the following new subsection:

FNMA, Board of
Directors.
12 USC 1723.

"(b) The Federal National Mortgage Association shall have a board of directors which shall consist of fifteen persons, one-third of whom shall be appointed annually by the President of the United States, and the remainder of whom shall be elected annually by the common stockholders. The board shall at all times have as members appointed by the President at least one person from the homebuilding industry, at least one person from the mortgage lending industry, and at least one person from the real estate industry. Each member of the board of directors shall be appointed or elected for a term ending on the date of the next annual meeting of the stockholders, except that any such member may be removed from office by the President for good cause. Any elective seat on the board which becomes vacant after the annual election of the directors shall be filled by the board, but only for the unexpired portion of the term. Any appointive seat which becomes vacant shall be filled by appointment of the President, but only for the unexpired portion of the term. Within the limitations of law and regulation, the board shall determine the general policies which shall govern the operations of the corporation, and shall have power to adopt, amend, and repeal bylaws governing the performance of the powers and duties granted to or imposed upon it by law. The board of directors shall select and effect the appointment of qualified persons to fill the offices of president and vice president, and such other offices as may be provided for in the bylaws. Any member of the board who is a full-time officer or employee of the Federal Government shall not, as such member, receive compensation for his services."

68 Stat. 620.
12 USC 1723a.

(z) Section 309(a) of such Act is amended—

(1) by striking out “The Association” and inserting in lieu thereof “Each of the bodies corporate named in section 302(a)(2)”;

(2) by striking out “by its board of directors, to adopt, amend, and repeal bylaws governing the performance of the powers and duties granted to or imposed upon it by law”;

(3) by striking out “conduct its business” and inserting in lieu thereof “conduct its business without regard to any qualification or similar statute”;

(4) by striking out “the Association may deem” and inserting in lieu thereof “it may deem”; and

(5) by striking out “the purposes of the Association” and inserting in lieu thereof “its purposes”.

(aa) Section 309(c) of such Act is amended—

(1) by striking out “(1)”;

(2) by striking out “The Association” and inserting in lieu thereof “(1) The Association”;

(3) by striking out “, and (2) the Association shall, with respect to its secondary market operations under section 304 after the cutoff date referred to in section 303(d) of this title, pay annually to the Secretary of the Treasury, for covering into miscellaneous receipts, an amount equivalent to the amount of Federal income taxes for which it would be subject if it were not exempt from such taxes with respect to such secondary market operations”; and

(4) by adding at the end thereof the following new paragraph:

“(2) The corporation, including its franchise, capital, reserves, surplus, mortgages or other security holdings, and income, shall be exempt from all taxation now or hereafter imposed by any State, territory, possession, Commonwealth, or dependency of the United States, or by the District of Columbia, or by any county, municipality, or local taxing authority, except that any real property of the corporation shall be subject to State, territorial, county, municipal, or local taxation to the same extent as other real property is taxed.”

(bb) Section 309(d) of such Act is amended—

(1) by inserting “(1)” immediately following “(d)”;

(2) by striking out “Chairman of the Board” and inserting in lieu thereof “Secretary of Housing and Urban Development”;

(3) by striking out “agents,” and inserting in lieu thereof “agents of the Association,”; and

(4) by adding at the end thereof the following new paragraph:

“(2) The board of directors of the corporation shall have the power to select and appoint or employ such officers, attorneys, employees, and agents, to vest them with such powers and duties, and to fix and to cause the corporation to pay such compensation to them for their services, as it may determine; and any such action shall be without regard to the Federal civil service and classification laws. Appointments, promotions, and separations so made shall be based on merit and efficiency, and no political tests or qualifications shall be permitted or given consideration. Each officer and employee of the corporation who is employed by the corporation prior to the termination of the transitional period referred to in section 810(b) of the Housing and Urban Development Act of 1968 and who on the day previous to the beginning of such employment will have been subject to the civil service retirement law (subch. III of ch. 83 of title 5, United States Code) shall, so long as his employment by the corporation continues without a break in continuity of service, continue to be subject to such law; and

FNMA, exemp-
tion from taxation.

Officers and
employees.

Post, p. 546.

80 Stat. 564.
5 USC 8331-
8348.

for the purpose of such law his employment by the corporation without a break in continuity of service shall be deemed to be employment by the Government of the United States. The corporation shall contribute to the Civil Service Retirement and Disability Fund a sum as provided by section 8334(a) of title 5, United States Code, except that such sum shall be determined by applying to the total basic pay (as defined in 5 U.S.C. 8331(3) and except as hereinafter provided) paid to the employees of the corporation who are covered by the civil service retirement law, the per centum rate determined annually by the United States Civil Service Commission to be the excess of the total normal cost per centum rate of the civil service retirement system over the employee deduction rate specified in section 8334(a) of title 5, United States Code. The corporation shall also pay into the Civil Service Retirement and Disability Fund such portion of the cost of administration of the fund as is determined by the United States Civil Service Commission to be attributable to its employees. Notwithstanding the foregoing provisions, there shall not be considered for the purposes of the civil service retirement law that portion of the basic pay in any one year of any officer or employee of the corporation which exceeds the basic pay provided for in section 5312 of title 5, United States Code, on the last day of such year. Except as provided in this subsection, the corporation shall not be subject to the provisions of title 5, United States Code."

80 Stat. 569.

80 Stat. 564.

80 Stat. 460.

80 Stat. 378.

68 Stat. 620.

12 USC 1723a.

(cc) Section 309(e) of such Act is amended—

(1) by striking out "body corporate created by section 302" and inserting in lieu thereof "bodies corporate named in section 302(a) (2)";

(2) by inserting "Government National Mortgage Association;" immediately following "Federal National Mortgage Association"; and

(3) by striking out the second sentence and inserting in lieu thereof the following: "Violations of the foregoing sentence may be enjoined by any court of general jurisdiction at the suit of the proper body corporate. In any such suit, the plaintiff may recover any actual damages flowing from such violation, and, in addition, shall be entitled to punitive damages (regardless of the existence or nonexistence of actual damages) of not exceeding \$100 for each day during which such violation is committed or repeated."

(dd) Section 309(g) of such Act is amended to read as follows:

"(g) The Federal Reserve banks are authorized and directed to act as depositories, custodians, and fiscal agents for each of the bodies corporate named in section 302(a) (2), for its own account or as fiduciary, and such banks shall be reimbursed for such services in such manner as may be agreed upon; and each of such bodies corporate may itself act in such capacities, for its own account or as fiduciary, and for the account of others."

Federal Reserve
banks, custodians.

Ante, p. 536.

(ee) Section 309 of such Act is amended by adding at the end thereof the following new subsection:

"(h) The Secretary of Housing and Urban Development shall have general regulatory power over the Federal National Mortgage Association and shall make such rules and regulations as shall be necessary and proper to insure that the purposes of this title are accomplished. No stock, obligation, security, or other instrument shall be issued by the corporation without the prior approval of the Secretary. The Secretary may require that a reasonable portion of the corporation's mortgage purchases be related to the national goal of providing adequate housing for low and moderate income families, but with reasonable economic return to the corporation. The Secretary may examine and audit the books and financial transactions of the corporation, and

he may require the corporation to make such reports on its activities as he deems advisable."

68 Stat. 622.
12 USC 1723c.

(ff) Section 311 of such Act is amended—

(1) by striking out "the Association" and inserting in lieu thereof "either of the bodies corporate named in section 302(a) (2)"; and

(2) by adding at the end thereof the following: "All stock, obligations, securities, participations, or other instruments issued pursuant to this title shall, to the same extent as securities which are direct obligations of or obligations guaranteed as to principal or interest by the United States, be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission; but all such issuances shall be made only with the approval of the Secretary of Housing and Urban Development."

PARTICIPATIONS

78 Stat. 800;
80 Stat. 164.
12 USC 1717.

SEC. 803. Section 302(c) (5) of the National Housing Act is amended by inserting at the end thereof the following: "In the event that the insufficiency required by the trustee is on account of principal maturities of outstanding beneficial interests or participations authorized to be issued pursuant to paragraph (4) of this subsection, or pursuant hereto, the trustee is authorized to elect to issue additional beneficial interests or participations for refinancing purposes in lieu of requiring any trustor or trustors to make payments to the trustee from appropriated funds or other sources. Each such issue of beneficial interests or participations shall be in an amount determined by the trustee but not in excess of the aggregate amount which the trustee would otherwise require the trustor or trustors to pay from appropriated funds or other sources, and may be issued without regard to the provisions of paragraph (4) of this subsection. All refinancing issues of beneficial interests or participations shall be deemed to have been issued pursuant to the authority contained in the appropriation Act or Acts under which the beneficial interests or participations were originally issued."

MORTGAGE-BACKED SECURITIES

68 Stat. 615.
12 USC 1719.

SEC. 804. (a) Section 304 of the National Housing Act is amended by adding at the end thereof the following new subsection:

"(d) To provide a greater degree of liquidity to the mortgage investment market and an additional means of financing its operations under this section, the corporation is authorized to set aside any mortgages held by it under this section, and, upon approval of the Secretary of the Treasury, to issue and sell securities based upon the mortgages so set aside. Securities issued under this subsection may be in the form of debt obligations or trust certificates of beneficial interest, or both. Securities issued under this subsection shall have such maturities and bear such rate or rates of interest as may be determined by the corporation with the approval of the Secretary of the Treasury. Securities issued by the corporation under this subsection shall, to the same extent as securities which are direct obligations of or obligations guaranteed as to principal and interest by the United States, be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission. Mortgages set aside pursuant to this subsection shall at all times be adequate to enable the corporation to make timely principal and interest payments on the securities issued and sold pursuant to this subsection."

12 USC 1721.

(b) Section 306 of such Act is amended by adding at the end thereof the following new subsection:

“(g) The Association is authorized, upon such terms and conditions as it may deem appropriate, to guarantee the timely payment of principal of and interest on such trust certificates or other securities as shall (1) be issued by the corporation under section 304(d), or by any other issuer approved for the purposes of this subsection by the Association, and (2) be based on and backed by a trust or pool composed of mortgages which are insured under the National Housing Act or title V of the Housing Act of 1949, or which are insured or guaranteed under the Servicemen's Readjustment Act of 1944 or chapter 37 of title 38, United States Code. The Association shall collect from the issuer a reasonable fee for any guaranty under this subsection and shall make such charges as it may determine to be reasonable for the analysis of any trust or other security arrangement proposed by the issuer. In the event the issuer is unable to make any payment of principal or of interest on any security guaranteed under this subsection, the Association shall make such payment as and when due in cash, and thereupon shall be subrogated fully to the rights satisfied by such payment. Any Federal, State, or other law to the contrary notwithstanding, the Association is hereby empowered, in connection with any guaranty under this subsection, whether before or after any default, to provide by contract with the issuer for the extinguishment, upon default by the issuer, of any redemption, equitable, legal, or other right, title, or interest of the issuer in any mortgage or mortgages constituting the trust or pool against which the guaranteed securities are issued; and with respect to any issue of guaranteed securities, in the event of default and pursuant otherwise to the terms of the contract, the mortgages that constitute such trust or pool shall become the absolute property of the Association subject only to the unsatisfied rights of the holders of the securities based on and backed by such trust or pool. The full faith and credit of the United States is pledged to the payment of all amounts which may be required to be paid under any guaranty under this subsection. There shall be excluded from the total amounts set forth in subsection (c) the amounts of any mortgages acquired by the Association as a result of its operations under this subsection.”

Ante, p. 542.

48 Stat. 1246.
12 USC 1701
and note.
63 Stat. 432.
42 USC 1471-
1490.
58 Stat. 284;
72 Stat. 1273.
72 Stat. 1203.
38 USC 1801.

(c) Section 5136 of the Revised Statutes (12 U.S.C. 24) is amended by adding at the end thereof the following:

“Ninth. To issue and sell securities which are guaranteed pursuant to section 306(g) of the National Housing Act.”

(d) The first proviso of section 21(a)(1) of the Banking Act of 1933 (12 U.S.C. 378(a)(1)) is amended by inserting “, or issuing securities,” immediately following “investment securities”.

48 Stat. 189;
49 Stat. 707.

(e) Section 5(c) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)) is amended by adding at the end thereof a new paragraph as follows:

48 Stat. 132.

“Any such association may issue and sell securities which are guaranteed pursuant to section 306(g) of the National Housing Act.”

SUBORDINATED AND CONVERTIBLE OBLIGATIONS

SEC. 805. Section 304 of the National Housing Act is amended by adding thereto (after subsection (d) as added by section 804 of this Act) the following new subsection:

68 Stat. 615.
12 USC 1719.

“(e) For the purposes of this section, the corporation is authorized to issue, upon the approval of the Secretary of the Treasury, obligations which are subordinated to any or all other obligations of the corporation, including subsequent obligations. The obligations issued under this subsection shall have such maturities and bear such rate or rates of interest as may be determined by the corporation with the approval of the Secretary of the Treasury and may be made redeem-

able at the option of the corporation before maturity in such manner as may be stipulated in such obligations. Any of such obligations may be made convertible into shares of common stock in such manner, at such price or prices, and at such time or times as may be stipulated therein. The total principal amount of such subordinated obligations which may be outstanding at any one time shall not exceed two times the sum of (1) the capital of the corporation represented by its outstanding common stock and (2) its surplus and undistributed earnings at such time. The outstanding total principal amount of such obligations, which are entirely subordinated to the obligations of the corporation issued or to be issued under subsection (b), shall be deemed to be capital of the corporation for the purpose of determining the aggregate amount of obligations issued under subsection (b) which may be outstanding at any one time. Obligations issued by the corporation under this subsection shall, to the same extent as securities which are direct obligations of or obligations guaranteed as to principal or interest by the United States, be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission. The corporation shall insert appropriate language in all of its obligations issued under this subsection clearly indicating that such obligations, together with the interest thereon, are not guaranteed by the United States and do not constitute a debt or obligation of the United States or of any agency or instrumentality thereof other than the corporation. The corporation is authorized to purchase in the open market any of its obligations outstanding under this subsection at any time and at any price."

SPECIAL ASSISTANCE AUTHORIZATION

75 Stat. 175;
79 Stat. 493.
12 USC 1720.

SEC. 806. Section 305(c) of the National Housing Act is amended—
(1) by striking out "and" after "July 1, 1967,"; and
(2) by striking out the period and inserting in lieu thereof " , and by \$500,000,000 on July 1, 1969."

AMENDMENTS TO OTHER LAWS

73 Stat. 670.
12 USC 1721
note.

SEC. 807. (a) Section 306(b) of the Housing Act of 1959 is amended by striking out "Federal National Mortgage Association pursuant" and inserting in lieu thereof "Government National Mortgage Association pursuant".

78 Stat. 790;
79 Stat. 479.
42 USC 1452b.

(b) Section 312(d) of the Housing Act of 1964 is amended by striking out "Federal" and inserting in lieu thereof "Government".

79 Stat. 669.
42 USC 3534.

(c) Section 5(b) of the Department of Housing and Urban Development Act is amended—

(1) by striking out "The Federal" and inserting in lieu thereof "The Government"; and

(2) by striking out " , and the position of the President of said Association is hereby allocated among the positions referred to in section 7(c) hereof".

Repeal.
42 USC 3535.

(d) Section 7(b) of the Department of Housing and Urban Development Act is repealed.

59 Stat. 597.
31 USC 846.

(e) Section 101 of the Government Corporation Control Act is amended by striking out "Federal National Mortgage Association" and inserting in lieu thereof "Government National Mortgage Association".

73 Stat. 482.
40 USC 612.

(f) Section 13(4)(F) of the Public Buildings Act of 1959 is amended by striking out "Federal" and inserting in lieu thereof "Government".

(g) Section 6(b) of the Participation Sales Act of 1966 is amended by striking out "secondary market operations carried on by the Federal" and inserting in lieu thereof "the Government".

80 Stat. 167.
12 USC 1717
note.

(h) Section 1820(e) of title 38, United States Code, is amended by striking out "Federal National" in three places and inserting in lieu thereof, in each such place, "Government National".

78 Stat. 800.

(i) Section 709 of title 18, United States Code, is amended by striking out "Federal National Mortgage Association" each place it appears and inserting in lieu thereof, in each such place, "Government National Mortgage Association".

68 Stat. 609.

(j) Section 5136 of the Revised Statutes is amended by inserting "or the Government National Mortgage Association" immediately following "Federal National Mortgage Association".

12 USC 24.

(k) Section 11(h) of the Federal Home Loan Bank Act is amended by inserting "or the Government National Mortgage Association, in the stock of the Federal National Mortgage Association" immediately following "Federal National Mortgage Association".

47 Stat. 733;
68 Stat. 622.
12 USC 1431.

(l) Section 16 of the Federal Home Loan Bank Act is amended by inserting "or the Government National Mortgage Association" immediately following "Federal National Mortgage Association".

(m) Section 5(c) of the Home Owners' Loan Act of 1933 is amended by inserting "or the Government National Mortgage Association," immediately following "Federal National Mortgage Association," and by inserting "or the stock of the Federal National Mortgage Association" immediately after "any other agency of the United States".

48 Stat. 132.
12 USC 1464.

(n) Section 8(8)(E) of the Federal Credit Union Act is amended by inserting "or the Government National Mortgage Association" immediately following "Federal National Mortgage Association".

73 Stat. 630;
81 Stat. 110.
12 USC 1757.

EFFECTIVE DATE

SEC. 808. The amendments made by this title shall be effective from and after a date, no more than one hundred and twenty days following the date of enactment of this Act, as established by the Secretary of Housing and Urban Development. Notice of the establishment of such effective date shall be published in the Federal Register at least thirty days prior thereto.

Publication in
Federal Register.

SAVINGS PROVISIONS

SEC. 809. (a) No cause of action by or against the Federal National Mortgage Association existing prior to the effective date established pursuant to section 808 shall abate by reason of the enactment of this title. Any such cause of action may thereafter be asserted by or against the appropriate corporate body named in section 302(a)(2) of the National Housing Act.

Ante, p. 536.

(b) No suit, action, or other proceeding commenced by or against the Federal National Mortgage Association, or any officer thereof in his official capacity, prior to the effective date established pursuant to section 808 shall abate by reason of the enactment of this title. A court may at any time thereafter during the pendency of any such litigation, on its own motion or that of any party, order that the litigation may be maintained by or against the appropriate corporate body named in section 302(a)(2) of the National Housing Act or the appropriate corresponding officer thereof.

TRANSITIONAL PROVISIONS

SEC. 810. (a) On the effective date established pursuant to section 808 of this Act, each share of outstanding nonvoting common stock, with a par value of \$100 per share, of the Federal National Mortgage

Association shall be changed into and shall become one share of voting common stock, without par value, of such corporation.

Ante, p. 539.

FNMA, Board of
Directors.
Transitional
period.

(b) (1) The provisions of section 308(b) of the National Housing Act (as added by section 802(y) (7) of this Act) shall be applicable only to the extent that its provisions do not conflict with this subsection.

(2) For a transitional period after the effective date established pursuant to section 808 of this Act, the board of directors of the Federal National Mortgage Association shall consist of nine persons. For a term expiring on the date of the first annual meeting of the corporation's stockholders, all members of the board shall be appointed by the Secretary of Housing and Urban Development. For a term beginning on such date, seven members of the board shall be appointed by the Secretary, and two members shall be elected by the common stockholders. For subsequent terms beginning prior to the termination of the transitional period, five members shall be appointed by the Secretary, and four members shall be elected by the common stockholders. For each term beginning prior to the termination of the transitional period, the Secretary shall appoint as a member of the board the president of the corporation. During the transitional period, the president of the corporation shall be appointed by the President, by and with the advice and consent of the Senate, and may be removed from office by the President for good cause.

(3) The transitional period referred to in paragraph (2) shall come to an end at such time as the board of directors shall find, with the approval of the Secretary, that not less than one-third of the corporation's common stock is owned by persons or institutions in the mortgage lending, homebuilding, real estate, or related businesses; but in no event shall it end sooner than May 1, 1970, or later than May 1, 1973.

(c) From the effective date established pursuant to section 808 and until the retirement of the last of the outstanding shares of its preferred stock, the Federal National Mortgage Association shall be deemed to be a wholly owned corporation for the purposes of the Government Corporation Control Act. Notwithstanding the foregoing provisions of this paragraph, the financial transactions of the Federal National Mortgage Association shall continue to be subject to audit by the General Accounting Office for such period as there may be outstanding obligations of the Federal National Mortgage Association which are guaranteed as to principal or interest by the Government National Mortgage Association.

59 Stat. 597.
31 USC 841
note.
GAO audit.

(d) Those persons who are the officers and employees of the Federal National Mortgage Association immediately prior to the effective date established pursuant to section 808 shall become the officers and employees of the Government National Mortgage Association on such date. The Federal National Mortgage Association and the Government National Mortgage Association shall provide by contract for the conditions and methods under which and by which the Federal National Mortgage Association during the transitional period may employ those individuals who are employees of the Government National Mortgage Association on such effective date; and may provide by contract for the operation by either of such corporations of any of the functions of the other. The Secretary of Housing and Urban Development shall make every reasonable effort to place in other comparable Federal positions any individuals who are career or career-conditional employees of the Government National Mortgage Association on such effective date and who are subsequently during the transitional period neither employed by the Federal National Mortgage Association nor retained by the Government National Mortgage Association.

TITLE IX—NATIONAL HOUSING PARTNERSHIPS

STATEMENT OF PURPOSE

SEC. 901. The Congress finds that the volume of housing being produced for families and individuals of low or moderate income must be increased to meet the national goal of a decent home and a suitable living environment for every American family, and declares that it is the policy of the United States to encourage the widest possible participation by private enterprise in the provision of housing for low or moderate income families. The Congress has therefore determined that one or more private organizations should be created to encourage maximum participation by private investors in programs and projects to provide low and moderate income housing.

CREATION OF CORPORATIONS

SEC. 902. (a) There is hereby authorized to be created a private corporation for profit (hereinafter in this title referred to as the "corporation"). The corporation will not be an agency or establishment of the United States Government. The corporation shall be subject to the provisions of this title and, to the extent consistent with this title, to the District of Columbia Business Corporation Act (D.C. Code, sec. 29-901 et seq.).

68 Stat. 179.

(b) Whenever the President finds it in the national interest to do so, he may cause the creation of an additional corporation or additional corporations to carry out the purposes of this title. All the provisions of this title shall thereupon become applicable to each such corporation, and to the limited partnership formed by it pursuant to section 907.

(c) Nothing in this title shall be construed to preclude private persons from creating other corporations and organizing other partnerships, joint ventures, or associations for the purposes set forth in this title as the purposes of the corporation and the partnership described in section 907.

PROCESS OF ORGANIZATION

SEC. 903. (a) The President of the United States shall appoint, by and with the advice and consent of the Senate, incorporators of the corporation, one of whom shall be designated by the President to serve as chairman. The incorporators shall serve as the initial board of directors until the first annual meeting of stockholders or until their successors are elected and have qualified.

(b) The incorporators shall take whatever actions are necessary or appropriate to establish the corporation, including the filing of articles of incorporation as approved by the President.

(c) The incorporators shall also arrange for an initial offering of shares of stock in the corporation and of interests in the partnership described in section 907 of this title. If the incorporators deem it advisable in order to carry out the purposes of this title, the initial offering may be made upon terms which require the purchase of other securities of the corporation or of interests in such partnership.

DIRECTORS

SEC. 904. The corporation shall have a board of directors (hereinafter in this section referred to as the "board"), consisting of fifteen members. Three members of the board shall be appointed by the President of the United States, by and with the advice and consent of the Senate, effective on the date on which the other members are

elected, and for terms of three years or until their successors have been appointed and have qualified, except that the first three members of the board so appointed shall continue in office for terms of one, two, and three years, respectively, and any member so appointed to fill a vacancy shall be appointed only for the unexpired term of the director whom he succeeds. Twelve members of the board shall be elected by the stockholders.

FINANCING THE CORPORATION

SEC. 905. The corporation shall have the power to create and issue the number of shares stated in its articles of incorporation. Such shares may be divided into one or more classes, any or all of which classes may consist of shares with par value or shares without par value, with such designations, preferences, voting powers, and special or relative rights and such limitations, restrictions, or qualifications thereof as shall be stated in the articles of incorporation. The articles of incorporation may limit or deny the voting power of the shares of any class.

PURPOSES AND POWERS OF THE CORPORATION

SEC. 906. (a) In order to achieve the objectives and carry out the purposes of this title, the corporation is authorized to—

(1) plan, initiate, and carry out, pursuant to Federal programs or otherwise, the building or rehabilitation of housing and related facilities primarily for the benefit of families and individuals of low or moderate income;

(2) buy, own, manage, lease, or otherwise acquire or dispose of property in connection with the developments, projects, or undertakings referred to in paragraph (1); and

(3) provide such funds as may be necessary to accomplish the developments, projects, or undertakings referred to in paragraph (1).

(b) Included in the activities authorized to the corporation for the accomplishment of the purposes indicated in subsection (a) of this section are, among others not specifically named—

(1) to enter into partnerships, limited partnerships, joint ventures, and other associations with individuals, corporations, and private and governmental agencies, organizations, and institutions;

(2) to act as manager or general partner of any such partnership, venture, or association;

(3) to conduct or contract for research and studies related to the development, demonstration, and evaluation of improved techniques and methods of constructing, rehabilitating, and maintaining housing;

(4) to provide technical assistance to nonprofit corporations, limited dividend corporations, and others with respect to the planning, financing, construction, rehabilitation, maintenance, and management of housing for low and moderate income families and individuals;

(5) to make loans or grants including grants of interests in housing and related facilities, to nonprofit corporations, limited dividend corporations, and others, in carrying out its activities under subsection (a) of this section; and

(6) to hire or accept the voluntary services of consultants, experts, advisory boards, and panels to aid the corporation in carrying out the purposes of this title.

(c) To carry out the foregoing purposes and engage in the foregoing activities, the corporation shall have the usual powers conferred

Research contracts.

Loans or grants.

upon a stock corporation by the District of Columbia Business Corporation Act.

(d) Nothing in this title shall have the effect of waiving or otherwise affecting the applicability of the provisions of the Davis-Bacon Act (40 U.S.C. 267a—276a-5), or any other law requiring compliance with labor standards, in the case of any construction to which such provisions would otherwise apply.

49 Stat. 1011;
78 Stat. 238.

NATIONAL HOUSING PARTNERSHIP

SEC. 907. (a) The corporation is authorized to arrange for the formation, as a separate organization, of a limited partnership (hereinafter in this title referred to as the "partnership") under the District of Columbia Uniform Limited Partnership Act (D.C. Code, sec. 41-401 et seq.) for the purpose of engaging in any of the activities authorized for the corporation under section 906 of this title, and to enter into a partnership agreement governing the affairs of such limited partnership.

76 Stat. 655.

(b) The partnership shall be subject to the provisions, to the extent consistent with this title, of (1) the District of Columbia Uniform Limited Partnership Act and (2) those provisions of the District of Columbia Uniform Partnership Act (D.C. Code, sec. 41-301 et seq.) made applicable by section 6(2) of that Act (D.C. Code, sec. 41-305(2)). Notwithstanding any inconsistency between the provisions of such Acts, or of any other law, and the provisions of this section, the partnership organized pursuant to this section shall be deemed to have the legal status of a limited partnership.

76 Stat. 636.

(c) The partnership is authorized to enter into partnerships, limited partnerships, or joint ventures organized under applicable State or local law for the purpose of engaging in low and moderate income housing developments, projects, or undertakings in particular localities.

(d) The corporation shall be the general partner in the partnership. The capital of the partnership and the contributions of the partners shall be in such amounts and at such times as are set forth in or pursuant to the partnership agreement.

(e) The partnership agreement shall include provisions designed to assure that (1) the partnership shall participate in low and moderate income housing developments, projects, or undertakings in a manner designed to encourage the participation therein of local interests, and (2) in any such development, project, or undertaking the partnership shall not subscribe to more than 25 per centum (including equity investments made in services or property) of the aggregate initial equity investment unless, in the judgment of the corporation as general partner, the balance of the required equity investment is not readily obtainable from other responsible investors residing or doing business in the local community.

(f) The partnership agreement may without limitation (1) permit each of the stockholders of the corporation to become a member of the partnership as a limited partner, (2) authorize the inclusion of other limited partners in addition to the stockholders of the corporation, (3) provide that the assignee of the partnership interest of a limited partner of the partnership who is also a stockholder of the corporation may not become a substituted limited partner unless he also acquires the assignor's stock of the corporation, and (4) include provisions requiring that the corporation as a general partner approve the substitution or addition of a member of the partnership.

(g) A corporation which is a limited partner in the partnership shall not become liable as a general partner by reason of the fact that

(1) such corporation is a holder of shares of voting stock of the corporation constituting not more than 5 per centum of the total number of outstanding shares of such stock and exercises any of the rights (including voting rights) of a holder of such shares, and/or (2) a person who is an officer or director of such corporation (or of another corporation which controls or is subject to the control of, or is under common control with, such corporation) is a director of the corporation and performs the duties of that office. The interest of a limited partner in the partnership shall not be treated as a stock interest in the corporation, notwithstanding that such interest of a limited partner may be proportionate to his stock interest in the corporation.

(h) The certificate of the partnership and any amendment thereof required by the District of Columbia Uniform Limited Partnership Act shall be executed and acknowledged by the corporation as member and by each other member of the partnership or his attorney-in-fact duly authorized by power of attorney in writing. The corporation may execute and acknowledge the certificate and any amendment thereof as attorney-in-fact for any member, member to be substituted or added, or assigning member, by whom the certificate or amendment is required to be executed and acknowledged and who has appointed the corporation as such attorney.

76 Stat. 655.
D.C. Code 41-
401.

REPORT TO CONGRESS AND RECORDS

SEC. 908. (a) The corporation shall submit an annual report to the President for transmittal to the Congress within six months after the end of its fiscal year. The report shall include a comprehensive and detailed report of the operations, activities, and financial condition of the corporation and the partnership under this title.

(b) The accounts of the corporation and of the partnership shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States.

ANTITRUST LAWS

SEC. 909. Nothing contained herein shall affect the applicability of the Federal antitrust laws to the activities of the corporation and the partnership created under this title and of the persons participating therein or in partnerships, limited partnerships, or joint ventures with either of them.

38 Stat. 730.
15 USC 12.

RIGHT TO REPEAL, ALTER, OR AMEND

SEC. 910. The right to repeal, alter, or amend this title at any time is expressly reserved.

AMENDMENT TO BANKING LAWS

SEC. 911. Paragraph "Seventh" of section 5136 of the Revised Statutes (12 U.S.C. 24) is amended by adding at the end thereof the following: "Notwithstanding any other provision in this paragraph, the association may purchase for its own account shares of stock issued by a corporation authorized to be created pursuant to title IX of the Housing and Urban Development Act of 1968, and may make investments in a partnership, limited partnership, or joint venture formed pursuant to section 907(a) or 907(c) of that Act."

Ante, p. 547.

TITLE X—RURAL HOUSING

HOUSING FOR LOW AND MODERATE INCOME PERSONS AND FAMILIES

SEC. 1001. Title V of the Housing Act of 1949 is amended by adding at the end thereof the following new section:

63 Stat. 432.
42 USC 1471-
1490.

“LOANS TO PROVIDE OCCUPANT-OWNED, RENTAL, AND COOPERATIVE HOUSING
FOR LOW AND MODERATE INCOME PERSONS AND FAMILIES

“SEC. 521. (a) Notwithstanding the provisions of sections 502, 517 (a) and 515, loans to persons of low or moderate income under section 502 or 517(a)(1), and loans under section 515 to provide rental or cooperative housing and related facilities for persons and families of low or moderate income or elderly persons and elderly families, shall bear interest at a rate prescribed by the Secretary at not less than a rate determined annually by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 per centum, less not to exceed the difference between the adjusted rate determined by the Secretary of the Treasury and 1 per centum per annum: *Provided*, That such a loan may be made only when the Secretary determines that the needs of the applicant for necessary housing cannot be met with financial assistance from other sources including assistance under section 235 or 236 of the National Housing Act: *Provided further*, That interest on loans under section 502 or 517(a) to victims of natural disaster shall not exceed the rate which would be applicable to such loans under section 502 without regard to this section.

42 USC 1472,
1487, 1485.

Ante, pp. 477,
498.

“(b) Housing and related facilities provided with loans described in subsection (a) shall be located in rural areas; and applicants eligible for such loans under section 502 or 517(a)(1), or for occupancy of housing provided with such loans under section 515, shall include otherwise qualified nonrural residents who will become rural residents.

42 USC 1472,
1487, 1485.

“(c) There shall be reimbursed to the Rural Housing Insurance Fund by annual appropriations the amounts by which nonprincipal payments made from the fund during each fiscal year to the holders of insured loans described in subsection (a) exceed interest due from the borrowers during each year; and the Secretary from time to time may issue notes to the Secretary of the Treasury under section 517(h) to obtain amounts equal to such unreimbursed excess payments, pending the annual reimbursement by appropriation.”

HOUSING FOR RURAL TRAINEES

SEC. 1002. Title V of the Housing Act of 1949 is amended by adding after section 521 (as added by section 1001 of this Act) the following new section:

“HOUSING FOR RURAL TRAINEES

“SEC. 522. (a) Upon the application of any State or political subdivision thereof, or any public or private nonprofit organization, the Secretary is authorized, after consultation with the Secretary of Labor, the Secretary of Health, Education, and Welfare, the Secretary of Housing and Urban Development, and the Director of the Office of Economic Opportunity, and after the Secretary determines that the housing and related facilities cannot reasonably be provided in any other way, to provide financial and technical assistance for

the establishment, in rural areas, of housing and related facilities for trainees and their families who are residents of a rural area and have a rural background, while such trainees are enrolled and participating in training courses designed to improve their employment capability. The selection of training sites and location of housing shall be made with due regard to the economic viability of the area, and only after consideration of a labor area survey and full coordination among all Government agencies having primary responsibility for administering related programs.

“(b) Housing and related facilities assisted under this section shall be safe and sanitary, constructed in the most economical manner, and of modest design, giving due consideration to the purposes to be served and the needs of the occupants, and may, in the discretion of the Secretary, include mobile family quarters. Design and location shall be such as to facilitate, as feasible, the use of such housing and related facilities for other purposes when no longer needed for the primary purpose.

“(c) The applicant shall contribute the necessary land, or funds to acquire such land, from its own resources, including land acquired by donation or from funds repayable under subsection (e) or borrowed from other sources.

“(d) No financial assistance shall be made available under this section unless, to the extent and for the periods required by the Secretary, the applicant agrees that—

“(1) such housing will be maintained at all times in a safe and sanitary condition in accordance with standards prescribed by State or local law, or, in the absence of such standards, with requirements prescribed by the Secretary;

“(2) priority shall be given at all times, in granting occupancy of such housing and facilities, to the trainees and their families described in subsection (a); and

“(3) rentals charged them shall not exceed amounts approved by the Secretary after considering the portion of the actual total family income which the family can afford to pay for rent while meeting its other immediate needs during occupancy.

“(e) The Secretary may make advances pursuant to any contract for financial assistance under this section at such times and in such manner as may be specified in the contract. Such advances for the purchase of land shall be repayable with interest and within a period not to exceed thirty-three years and may be made upon such security, if any, as the Secretary requires. Advances for other purposes may be made repayable with or without interest or nonrepayable, as determined by the Secretary on the basis of the anticipated income and cost of operation of the housing and related facilities and the ability of each applicant to finance such facilities. Any advances shall be limited to cover the capital costs of constructing such facilities, plus interest on borrowings to cover such costs.

“(f) Should housing and related facilities assisted pursuant to a contract under this section be sold to an ineligible transferee or diverted to a use other than its primary purpose within a period specified in the contract, all advances made under such contract shall be repaid to the Secretary, up to the amount of the sales price or the fair value of the property as determined by the Secretary, whichever is higher, with interest from the date of the sale or diversion. If no suitable alternate use of the property is available, as determined by the Secretary, after the purpose of this section can no longer be served, the property shall be returned to its original condition by the recipient of the assistance.

“(g) Interest charged on advances made under this section shall be at a rate, prescribed by the Secretary, which shall be not less than a

rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 per centum, less not to exceed the difference between the adjusted rate determined by the Secretary of the Treasury and 1 per centum per annum, as determined by the Secretary.

“(h) The Secretary shall prescribe regulations to insure that Federal funds expended under this section are not wasted or dissipated.

“(i) As used in this section (1) the term ‘related facilities’ shall include any necessary community rooms or buildings, infirmaries, utilities, access roads, water and sewer services, and the minimum fixed or movable equipment determined by the Secretary to be necessary to make the housing reasonably habitable by trainees and their families; and (2) the term ‘trainee’ means any person receiving training under any federally assisted training program.

“(j) There are authorized to be appropriated such sums as may be necessary to carry out this section.”

“Related facilities.”

“Trainee.”

Appropriation.

APPROPRIATIONS

SEC. 1003. Section 513 of the Housing Act of 1949 is amended—

(1) by striking out “and (e)” and inserting in lieu thereof “(e)”; and

(2) by inserting before the period at the end thereof the following: “; and (f) such sums as may be required by the Secretary to administer the provisions of sections 235 and 236 of the National Housing Act”.

63 Stat. 438;
75 Stat. 188;
78 Stat. 798.
42 USC 1483.

Ante, pp. 477,
498.

PURCHASE OF LAND FOR BUILDING SITES

SEC. 1004. Section 514(f)(2) of the Housing Act of 1949 is amended—

(1) by striking out “and” before “(B)”, and

(2) by inserting before the semicolon at the end thereof the following: “and (C) land necessary for an adequate site”.

75 Stat. 186.
42 USC 1484.

MUTUAL AND SELF-HELP HOUSING

SEC. 1005. Title V of the Housing Act of 1949 is amended by adding after section 522 (as added by section 1002 of this Act) the following new section:

42 USC 1471-
1490.

“MUTUAL AND SELF-HELP HOUSING

“SEC. 523. (a) The purposes of this section are (1) to make financial assistance available on reasonable terms and conditions in rural areas and small towns to needy low-income individuals and their families who, with the benefit of technical assistance and overall guidance and supervision, participate in approved programs of mutual or self-help housing by acquiring and developing necessary land, acquiring building materials, providing their own labor, and working cooperatively with others for the provision of decent, safe, and sanitary dwellings for themselves, their families, and others in the area or town involved, and (2) to facilitate the efforts of both public and private nonprofit organizations providing assistance to such individuals to contribute their technical and supervisory skills toward more effective and comprehensive programs of mutual or self-help housing in rural areas and small towns wherever necessary.

"(b) In order to carry out the purposes of this section, the Secretary of Agriculture (in this section referred to as the 'Secretary') is authorized—

Contract
authority.

"(1) (A) to make grants to, or contract with, public or private nonprofit corporations, agencies, institutions, organizations, and other associations approved by him, to pay part or all of the costs of developing, conducting, administering, or coordinating effective and comprehensive programs of technical and supervisory assistance which will aid needy low-income individuals and their families in carrying out mutual or self-help housing efforts; and

Self-Help Fund.

"(B) to establish the Self-Help Housing Land Development Fund, referred to herein as the Self-Help Fund, to be used by the Secretary as a revolving fund for making loans, on such terms and conditions and in such amounts as he deems necessary, to public or private nonprofit organizations for the acquisition and development of land as building sites to be subdivided and sold to families, nonprofit organizations, and cooperatives eligible for assistance under section 235 or 236 of the National Housing Act or section 521 of this Act. Such a loan, with interest at a rate not to exceed 3 percent per annum, shall be repaid within a period not to exceed two years from the making of the loan, or within such additional period as may be authorized by the Secretary in any case as being necessary to carry out the purposes hereof; and

Ante, pp. 477,
498.
Ante, p. 551.

Loans.

"(2) to make loans, on such terms and conditions and in such amounts as he deems necessary, to needy low-income individuals participating in programs of mutual or self-help housing approved by him, for the acquisition and development of land and for the purchase of such other building materials as may be necessary in order to enable them, by providing substantially all of their own labor, and by cooperating with others participating in such programs, to carry out to completion the construction of decent, safe, and sanitary dwellings for such individuals and their families, subject to the following limitations:

"(A) there is reasonable assurance of repayment of the loan;

"(B) the amount of the loan, together with other funds which may be available, is adequate to achieve the purpose for which the loan is made;

"(C) the credit assistance is not otherwise available on like terms or conditions from private sources or through other Federal, State, or local programs;

"(D) the loan bears interest at a rate not to exceed 3 percent per annum on the unpaid balance of principal, plus such additional charge, if any, toward covering other costs of the loan program as the Secretary may determine to be consistent with its purposes; and

"(E) the loan is repayable within not more than thirty-three years.

Considerations.

"(c) In determining whether to extend financial assistance under paragraph (1) or (2) of subsection (b), the Secretary shall take into consideration, among other factors, the suitability of the area within which construction will be carried out to the type of dwelling which can be provided under mutual or self-help housing programs, the extent to which the assistance will facilitate the provision of more decent, safe, and sanitary housing conditions than presently exist in the area, the extent to which the assistance will be utilized efficiently and expeditiously, the extent to which the assistance will effect an increase in the standard of living of low-income individuals participating in the mutual or self-help housing program, and whether the

assistance will fulfill a need in the area which is not otherwise being met through other programs, including those carried out by other Federal, State, or local agencies.

“(d) As used in this section, the term ‘construction’ includes the erection of new dwellings, and the rehabilitation, alteration, conversion, or improvement of existing structures.

“Construction.”

“(e) The Secretary is authorized to establish appropriate criteria and procedures in order to determine the eligibility of applicants for the financial assistance provided under this section, including criteria and procedures with respect to the periodic review of any construction carried out with such financial assistance.

Eligibility of applicants, criteria.

“(f) There are hereby authorized to be appropriated for each fiscal year commencing after June 30, 1968, and ending prior to July 1, 1973, such sums, not in excess of \$5,000,000 for any such fiscal year, as may be necessary to carry out the provisions of this section. No grant or loan may be made or contract entered into under the authority of this section after June 30, 1973, except pursuant to a commitment or other obligation entered into pursuant to this section before that date.

Appropriation.

“(g) There are hereby authorized to be appropriated for the purposes of subsection (b) (1) (B) not to exceed \$1,000,000 for the fiscal year ending June 30, 1969, and not to exceed \$2,000,000 for the fiscal year ending June 30, 1970. Any amount so authorized to be appropriated for any fiscal year which is not appropriated may be appropriated for any succeeding fiscal year or years. Amounts appropriated under this subsection shall be deposited in the Self-Help Fund, which shall be available without fiscal year limitation for making loans under subsection (b) (1) (B). Instruments and property acquired by the Secretary in or as a result of making such loans shall be assets of the Self-Help Fund. Sums received from the repayment of such loans shall be deposited in and be a part of the Self-Help Fund.”

TITLE XI—URBAN PROPERTY PROTECTION AND REINSURANCE

SHORT TITLE

SEC. 1101. This title may be cited as the “Urban Property Protection and Reinsurance Act of 1968.”

FINDINGS AND DECLARATION OF PURPOSE

SEC. 1102. (a) The Congress finds that (1) the vitality of many American cities is being threatened by the deterioration of their inner city areas; responsible owners of well-maintained residential, business, and other properties in many of these areas are unable to obtain adequate property insurance coverage against fire, crime, and other perils; the lack of such insurance coverage accelerates the deterioration of these areas by discouraging private investment and restricting the availability of credit to repair and improve property therein; and this deterioration poses a serious threat to the national economy; (2) recent riots and other civil commotion in many American cities have brought about abnormally high losses to the private property insurance industry for which adequate reinsurance cannot be obtained at reasonable cost, and the risk of such losses will make most lines of property insurance even more difficult to obtain; (3) the capacity of the private property insurance industry to provide adequate insurance is threatened, and the continuity of such property insurance protection is essential to the extension of credit in these areas; and (4) the national interest demands urgent action by the Congress to assure that essential lines of property insurance, including lines providing protection

against riot and civil commotion damage will be available to property owners at reasonable cost.

(b) The purposes of this title are, therefore, to (1) encourage and assist the various State insurance authorities and the property insurance industry to develop and carry out statewide programs which will make necessary property insurance coverage against the fire, crime, and other perils more readily available for residential, business, and other properties meeting reasonable underwriting standards; and (2) provide a Federal program of reinsurance against abnormally high property insurance losses resulting from riots and other civil commotion, placing appropriate financial responsibility upon the States to share in such losses.

AMENDMENT OF THE NATIONAL HOUSING ACT

SEC. 1103. The National Housing Act is amended by adding at the end thereof the following new title:

"TITLE XII—NATIONAL INSURANCE DEVELOPMENT PROGRAM

"PROGRAM AUTHORITY

"SEC. 1201. (a) The Secretary is authorized to establish and carry out the programs provided for in parts A, B, and C of this title.

"(b) (1) The powers of the Secretary under this title shall terminate on April 30, 1973, except to the extent necessary—

"(A) to continue reinsurance in accordance with the provisions of section 1223(b) until April 30, 1976;

"(B) to process, verify, and pay claims for reinsured losses and perform other necessary functions in connection therewith; and

"(C) to complete the liquidation and termination of the reinsurance program.

"(2) On April 30, 1976, or as soon thereafter as possible, the Secretary shall submit to the Congress, for its approval, a plan for the liquidation and termination of the reinsurance program.

"ADVISORY BOARD; MEETINGS, DUTIES, COMPENSATION, AND EXPENSES

"SEC. 1202. (a) (1) There is established an Advisory Board (hereinafter called the 'Board') consisting of nineteen members appointed by the Secretary. Members of the Board shall be selected from among representatives of the general public, the insurance industry, State and local governments including State insurance authorities, and the Federal Government. Of these members of the Board, not more than six shall be regular full-time employees of the Federal Government, and not less than four shall be representatives of the private insurance industry and not less than four shall be representatives of State insurance authorities.

"(2) The Secretary shall designate a Chairman and a Vice Chairman of the Board.

"(3) Each member shall serve for a term of two years or until his successor has been appointed, except that no person who is appointed while a full-time employee of a State or the Federal Government shall serve in such position after he ceases to be so employed, unless he is reappointed.

"(4) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of that term.

Post, pp. 558,
560, 563.

Report to Con-
gress.

“(b) The Chairman shall preside at all meetings, and the Vice Chairman shall preside in the absence or disability of the Chairman. In the absence of both the Chairman and Vice Chairman, the Secretary may appoint any member to act as Chairman pro tempore. The Board shall meet at such times and places as it or the Secretary may fix and determine, but shall hold at least four regularly scheduled meetings a year. Special meetings may be held at the call of the Chairman or any three members of the Board, or at the call of the Secretary.

“(c) The Board shall review general policies and shall advise the Secretary with respect thereto, and perform such other functions as are specified in this title.

“(d) The members of the Board shall not, by reason of such membership, be deemed to be employees of the United States, and such members, except those who are regular full-time employees of the Government, shall receive for their services, as members, the per diem equivalent to the rate for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, when engaged in the performance of their duties, and each member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of such title for persons in the Government service employed intermittently.

5 USC 5332
note.

80 Stat. 499.

“DEFINITIONS

“SEC. 1203. (a) When used in this title, unless the context otherwise requires, the term—

“(1) ‘environmental hazard’ means any hazardous condition that might give rise to loss under an insurance contract, but which is beyond the control of the property owner;

“(2) ‘essential property insurance’ means insurance against direct loss to property as defined and limited in standard fire policies and extended coverage endorsement thereon, as approved by the State insurance authority, and insurance for such types, classes, and locations of property against the perils of vandalism, malicious mischief, burglary, or theft, as the Secretary by rule shall designate. Such insurance shall not include automobile insurance and shall not include insurance on such types of manufacturing risks as may be excluded by the State insurance authority;

“(3) ‘inspection facility’, with respect to any State, means any rating bureau or other person designated by the State insurance authority to perform inspections under fair access to insurance requirements plans under part A;

“(4) ‘insurer’ includes any insurance company or group of companies under common ownership which is authorized to engage in the insurance business under the laws of any State;

“(5) ‘pool’ means any pool or association of insurance companies in any State which is formed, associated, or otherwise created for the purpose of making property insurance more readily available;

“(6) ‘losses resulting from riots or civil disorders’ means losses resulting from riots or civil disorders under policies for standard lines of property insurance for which reinsurance is offered under section 1221, as determined under regulations of the Secretary;

“(7) ‘property owner’, with respect to any real, personal, or mixed real and personal property, means any person having an insurable interest in such property;

“(8) ‘person’ includes any individual or group of individuals, corporation, partnership, or association, or any other organized group of persons;

“(9) ‘reinsured losses’ means losses on reinsurance claims and all direct expenses incurred in connection therewith including, but not limited to, expenses for processing, verifying, and paying such losses;

“(10) ‘standard line of property insurance’ includes—

“(A) fire and extended coverage;

“(B) vandalism and malicious mischief;

“(C) other allied lines of fire insurance;

“(D) burglary and theft;

“(E) those portions of multiple peril policies covering perils similar to those provided for in subparagraphs (A), (B), (C), and (D);

“(F) inland marine;

“(G) glass;

“(H) boiler and machinery;

“(I) ocean marine;

“(J) aircraft physical damage; and

“(K) such other lines generally offered to the public which include protection against damage from riot or civil commotion as the Secretary by regulation may designate;

“(11) ‘State’ means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the territories and possessions, and the Trust Territory of the Pacific Islands;

“(12) ‘urban area’ includes any municipality or other political subdivision of a State, subject to population or other limitations defined in rules and regulations of the Secretary and such additional areas as may be designated by the State insurance authority; and

“(13) ‘year’ means a calendar year, fiscal year of a company, or such other period of twelve months as may be designated by the Secretary.

“(b) The Secretary is authorized to define, by rules and regulations, any technical or trade term, insofar as such definition is not inconsistent with the provisions of this title.

“PART A—STATEWIDE PLANS TO ASSURE FAIR ACCESS TO INSURANCE REQUIREMENTS

“FAIR PLANS

“SEC. 1211. (a) Each insurer reinsured under this title shall cooperate with the State insurance authority in each State in which it is to acquire such reinsurance in establishing and carrying out statewide plans to assure fair access to insurance requirements (FAIR plans).

“(b) Such plans must be approved by, and administered under the supervision of, the State insurance authority, or be authorized or required by State law, and shall be designed to make essential property insurance more readily available in, but not necessarily limited to, urban areas. Such plans may vary in detail from State to State because of local conditions, but all plans shall contain provisions that—

“(1) no risk shall be written at surcharged rates or be denied insurance coverage for essential property insurance unless there has first been an inspection of the risk, without cost to the owner, by an inspection facility and a determination by the insurer, based on information in the inspection report and other sources, that the risk does not meet reasonable underwriting standards at the applicable premium rate;

“(2) inspections under the plan may be requested by the property owner or his representative, the insurer, or the insurance

agent, broker or other producer, and such requests need not be made in writing;

“(3) the absence of a building owner or his representative during an inspection shall not preclude a tenant seeking insurance from obtaining an inspection under the plan;

“(4) following the inspection, a copy of the inspection report shall be promptly sent by the inspection facility to the insurer or insurers, or to an all-industry placement facility referred to under section 1212, as may be designated by the person requesting the inspection;

“(5) after the inspection report is received by an insurer, it shall promptly determine if the risk meets reasonable underwriting standards at the applicable premium rate, and shall promptly return to the inspection facility the inspection report and provide an action report setting forth—

“(A) (i) the amount of coverage it agrees to write; and if the insurer agrees to write the coverage with a surcharge (if such a surcharge is authorized by the State insurance authority), the improvements necessary before it will provide coverage at an uncharged premium rate; and

“(ii) the amount of coverage it agrees to write if certain improvements specified in the action report are made; or

“(B) the specific reasons it declines to write coverage;

“(6) if the insurer declines the risk, or agrees to write the coverage sought on condition that the property will be improved, it shall also promptly send a copy of both the inspection and action reports to the property owner and the State insurance authority, and at the time the insurer sends such reports to the property owner, it shall also explain his right, under applicable State laws, to appeal the decision of the insurer to the State insurance authority, setting forth the procedures to be followed for such appeal;

“(7) all policies written pursuant to the plan shall be promptly written after inspection or reinspection and shall be separately coded so that appropriate records may be compiled for purposes of performing loss prevention and other studies of the operation of the plan;

“(8) the inspection facility shall submit to the State insurance authority and to the Secretary periodic reports setting forth information, by individual insurers, including the number of risks inspected under the plan, the number of risks accepted, the number of risks conditionally accepted and reinspections made, the number of risks declined, and such other information as the State insurance authority may request;

“(9) notice will be given to any policyholder a reasonable time prior to the cancellation or nonrenewal of any risk eligible under the plan (except in case of nonpayment of premium or evidence of incendiarism), to allow ample time for an application for new coverage to be made and a new policy to be written under the plan, and the insurer shall, in writing, explain to the policyholder the procedures for obtaining an inspection under the plan in the notice of cancellation or nonrenewal; and

“(10) a continuing public education program will be undertaken by the participating insurers, agents, and brokers to assure that the plan receives adequate public attention.

“ALL-INDUSTRY PLACEMENT FACILITY

“SEC. 1212. Any plan under this part shall include an all-industry placement facility doing business with every insurer participating in the plan in the State, and shall provide that this facility shall perform certain functions including, but not limited to, the following:

“(1) seeking, upon request by or on behalf of any property owner requesting an inspection under the plan, to distribute the risks involved equitably among the insurers with which it is doing business; and

“(2) seeking to place insurance up to the full insurable value of the risk to be insured with one or more insurers with which it is doing business, except to the extent that deductibles, percentage participation clauses, and other underwriting devices are employed to meet special problems of insurability.

“INDUSTRY COOPERATION

“SEC. 1213. (a) Each insurer seeking reinsurance under this title shall file a statement with the State insurance authority in each State in which it is participating in a plan under this part, pledging its full participation and cooperation in carrying out the plan, and shall file a copy of such statement with the Secretary.

“(b) No insurer acquiring reinsurance under this title shall direct any agent or broker or other producer not to solicit business through such a plan, nor shall any agent, broker, or other producer be penalized by such insurer in any way for submitting applications for insurance to an insurer under the plan.

“PLAN EVALUATION

“SEC. 1214. (a) In accordance with such rules and regulations as the Secretary may prescribe, each State insurance authority shall—

“(1) transmit to the Secretary any proposed or adopted plan, or amendments thereto; and

“(2) advise the Secretary, from time to time, concerning the operation of the plan, its effectiveness in providing essential property insurance, and the need to form a pool of insurers or adopt other programs to make essential property insurance more readily available in urban areas of the State.

“(b) The Secretary may, after full consultation with the Board, by rules and regulations, modify the plan criteria set forth under this part, if he finds, on the basis of experience, that such action is necessary or desirable to carry out the purposes of this title. The Secretary may also, with respect to any State, waive compliance with one or more of the plan criteria, upon certification by the State insurance authority that compliance is unnecessary or inadvisable under local conditions or State law.

“PART B—REINSURANCE COVERAGE

“REINSURANCE OF LOSSES FROM RIOTS OR CIVIL DISORDERS

“SEC. 1221. (a)(1) The Secretary is authorized to offer to any insurer or pool, subject to the conditions set forth in section 1223, reinsurance against property losses resulting from riots or civil disorders in any one or more States.

“(2) Reinsurance shall be offered to any such insurer or pool only on all standard lines of property insurance enumerated under subparagraphs (A) through (E) of section 1203(a)(10) together, and any insurer or pool purchasing such reinsurance shall also be eligible,

to purchase reinsurance on any one or more standard lines of property insurance enumerated under subparagraphs (F) through (J) of section 1203(a)(10) or which may be designated by regulation pursuant to subparagraph (K) of that section.

“(b) Reinsurance coverage under this section may be provided immediately following the enactment of this title to any insurer or pool in any State on a temporary basis, and on such terms and conditions as may be agreed upon, and coverage under such terms and conditions may be bound with respect to any such insurer or pool by means of a written binder which shall remain in force not more than ninety days and shall expire at the earlier of either—

“(1) the termination of such ninety-day period, or

“(2) the effective date of any governing contract, agreement, treaty, or other arrangement entered into between the insurer or pool and the Secretary under section 1222 for the purpose of providing reinsurance coverage against losses resulting from riots or civil disorders.

“(c) No reinsurance shall be offered to any insurer or pool in a State after the expiration of the written binder entered into under subsection (b), unless there is in effect in such State a plan as set forth under part A and the insurer or pool is participating in such plan, and unless, in the case of an insurer in a State where a pool has been established pursuant to State law, the insurer is participating in such a pool.

“REINSURANCE AGREEMENTS AND PREMIUMS

“SEC. 1222. (a) During the first year following the date of the enactment of this title, the Secretary is authorized to enter into any contract, agreement, treaty, or other arrangement with any insurer or pool for reinsurance coverage, in consideration of payment of such premiums, fees, or other charges by insurers or pools which the Secretary, after full consultation with the Board, deems to be adequate to obtain aggregate reinsurance premiums for deposit in the National Insurance Development Fund established under section 1233 in excess of the estimated amount of insured riot losses during the calendar year 1967, on the assumption that a substantial proportion of the property insurance written will be reinsured under this title, and thereafter the Secretary may increase or decrease such premiums for reinsurance if it is found after full consultation with the Board and the National Association of Insurance Commissioners that such action is necessary or appropriate to carry out the purposes of this title.

“(b) Reinsurance offered under this title shall reimburse an insurer or pool for its total proved and approved claims for covered losses resulting from riots or civil disorders during the term of the reinsurance contract, agreement, treaty, or other arrangement, over and above the amount of the insurer's or pool's retention of such losses as provided in such reinsurance contract, agreement, treaty, or other arrangement entered into under this section.

“(c) Such contracts, agreements, treaties, or other arrangements may be made without regard to section 3679(a) of the Revised Statutes of the United States (31 U.S.C. 665(a)), and shall include any terms and conditions which the Secretary deems necessary to carry out the purposes of this title. The premium rates, terms, and conditions of such contracts with insurers or pools, throughout the country, in any one year shall be uniform.

“(d) Any contract, agreement, treaty, or other arrangement for reinsurance under this section shall be for a term expiring on April 30, 1969, and on April 30 each year thereafter, and shall be entered into within ninety days after the date of the enactment of this title or within ninety days prior to April 30 each year thereafter, or within ninety

days after an insurer is authorized to write insurance eligible for reinsurance in a State which it was not authorized to write in the preceding year.

“CONDITIONS OF REINSURANCE

“SEC. 1223. (a) Subject to the provisions of subsection (b), reinsurance shall not be offered by the Secretary in a State or be applicable to insurance policies written in that State by an insurer—

“(1) after one year following the date of the enactment of this title, or, if the appropriate State legislative body has not met in regular session during that year, by the close of its next regular session, in any State which has not adopted appropriate legislation, retroactive to the date of the enactment of this title, under which the State, its political subdivisions, or a governmental corporation or fund established pursuant to State law, will reimburse the Secretary, in an amount up to 5 per centum of the aggregate property insurance premiums earned in that State during the preceding calendar year on those lines of insurance reinsured by the Secretary in that State during the current year, such that the Secretary may be reimbursed for amounts paid by him in respect to reinsured losses that occurred in that State during a calendar year in excess of (A) reinsurance premiums received in that State during the same calendar year plus (B) the excess of (i) the total premiums received by the Secretary for reinsurance in that State during a preceding period measured from the end of the most recent calendar year with respect to which the Secretary was reimbursed for losses under this title over (ii) any amounts paid by the Secretary for reinsured losses that occurred during this same period;

“(2) after thirty days following notification to the insurer that the Secretary finds (after consultation with the State insurance authority) that there has not been adopted by the State, or the property insurance industry in that State, a suitable program or programs, in addition to plans under part A, to make essential property insurance available without regard to environmental hazards, and that such action is necessary to carry out the purposes of this title; except that this paragraph shall not become effective until two years after the date of the enactment of this title, or at such earlier date as the Secretary, after consultation with the State insurance authority, may determine;

“(3) after thirty days following notification to the insurer that the Secretary, or the State insurance authority, finds that such insurer is not fully participating—

“(A) in the plan in the State;

“(B) where it exists, in a pool; and

“(C) where it exists, in any other program found by the Secretary to aid in making essential property insurance more readily available in the State:

Provided, That the Secretary shall not make any such finding with respect to any insurer unless (i) prior to making such finding the Secretary has requested and considered the views of the State insurance authority as to whether such finding should be made, or (ii) the Secretary has made such a request in writing to the State insurance authority and such authority has failed to respond thereto within a reasonable period of time after receiving such request;

“(4) following a merger, acquisition, consolidation or reorganization involving one or more insurers having lines of property insurance in the State reinsured under this title and one or more

insurers with or without such reinsurance, unless the surviving company—

“(A) meets the criteria of eligibility for reinsurance, other than as provided under section 1222(d); and

“(B) within ten days pays any reinsurance premiums due; or

“(5) upon receipt of notice from the insurer or pool that it desires to cancel its reinsurance agreement with the Secretary in the State.

“(b) Notwithstanding the foregoing provisions of this section, reinsurance may be continued for the term of the policies written prior to the date of termination or nonrenewal of reinsurance under this section, for as long as the insurer pays reinsurance premiums annually in such amounts as are determined under section 1222, based on the annual premiums earned on such reinsured policies, and for the purpose of this subsection, the renewal, extension, modification, or other change in a policy, for which any additional premium is charged, shall be deemed to be a policy written on the date such change was made.

“RECOVERY OF PREMIUMS; STATUTE OF LIMITATIONS

“SEC. 1224. (a) The Secretary, in a suit brought in the appropriate United States district court, shall be entitled to recover from any insurer the amount of any unpaid premiums lawfully payable by such insurer to the Secretary.

“(b) No action or proceeding shall be brought for the recovery of any premium due to the Secretary for reinsurance, or for the recovery of any premium paid to the Secretary in excess of the amount due to him, unless such action or proceeding shall have been brought within five years after the right accrued for which the claim is made, except that, where the insurer has made or filed with the Secretary a false or fraudulent annual statement, or other document with the intent to evade, in whole or in part, the payment of premiums, the claim shall not be deemed to have accrued until its discovery by the Secretary.

“PART C—PROVISIONS OF GENERAL APPLICABILITY

“CLAIMS AND JUDICIAL REVIEW

“SEC. 1231. (a) All reinsurance claims for losses under this title shall be submitted by insurers in accordance with such terms and conditions as may be established by the Secretary.

“(b) (1) Upon disallowance of any claim under color of reinsurance made available under this title, or upon refusal of the claimant to accept the amount allowed upon any such claim, the claimant may institute an action against the Secretary on such claim in the United States district court for the district in which a major portion (in terms of value) of the claim arose.

“(2) Any such action must be begun within one year after the date upon which the claimant received written notice of disallowance or partial disallowance of the claim, and exclusive jurisdiction is hereby conferred upon United States district courts to hear and determine such actions without regard to the amount in controversy.

U.S. district
courts, jurisdic-
tion.

“FISCAL INTERMEDIARIES AND SERVICING AGENTS

“SEC. 1232. (a) In order to provide for maximum efficiency in the administration of the reinsurance program under this title, and in order to facilitate the expeditious payment of any funds under such program, the Secretary may enter into contracts with any insurer, pool,

Contract au-
thority.

or other person, for the purpose of providing for the performance of any or all of the following functions:

“(1) estimating or determining any amounts of payments for reinsurance claims;

“(2) receiving and disbursing and accounting for funds in making payments for reinsurance claims;

“(3) auditing the records of any insurer, pool, or other person to the extent necessary to assure that proper payments are made;

“(4) establishing the basis of liability for reinsurance payments, including the total amount of proved and approved claims which may be payable to any insurer, and the total amount of premiums earned by any insurer in the respective States for re-insured lines of property insurance; and

“(5) otherwise assisting in any manner provided in the contract to further the purposes of this title.

“(b) (1) Any such contract may require the insurer, pool, or other person, or any of its officers or employees certifying payments or disbursing funds pursuant to the contract, or otherwise participating in carrying out the contract, to give surety bond to the United States in such amounts as the Secretary may deem appropriate.

“(2) In the absence of gross negligence or intent to defraud the United States—

“(A) no individual designated pursuant to a contract under this section to certify payments shall be liable with respect to any payment certified by him under this section; and

“(B) no officer of the United States disbursing funds shall be liable with respect to any otherwise proper payment by him if it was based on a voucher signed by an individual designated pursuant to a contract under this section to certify payments.

“NATIONAL INSURANCE DEVELOPMENT FUND

“SEC. 1233. (a) To carry out the programs authorized under this title, the Secretary is authorized to establish a National Insurance Development Fund (hereinafter called the ‘fund’) which shall be available, without fiscal year limitations—

“(1) to make such payments as may, from time to time, be required under reinsurance contracts under this title;

“(2) to pay such administrative expenses as may be necessary or appropriate to carry out the purposes of this title; and

“(3) to repay to the Secretary of the Treasury such sums, including interest thereon, as may be borrowed from him for purposes of such programs under section 520(b).

“(b) The fund shall be credited with—

“(1) reinsurance premiums, fees, and other charges which may be paid or collected in connection with reinsurance provided under part B;

“(2) interest which may be earned on investments of the fund;

“(3) such amounts as may be advanced to the fund from appropriations in order to maintain the fund in an operative condition adequate to meet its liabilities;

“(4) receipts from any other source which may, from time to time, be credited to the fund; and

“(5) funds borrowed by the Secretary under section 520(b) and deposited in the fund.

“(c) If, after any amounts which may have been advanced to the fund from appropriations have been credited to the appropriation from which advanced (including interest thereon at the rate prescribed under section 520(b)), the Secretary determines that the moneys of the fund are in excess of current needs, he may request the investment of such amounts as he deems advisable by the Secretary of the Treasury in obligations issued or guaranteed by the United States.

"(d) An annual business-type budget for the fund shall be prepared, transmitted to the Congress, considered, and enacted in the manner prescribed by law (sections 102, 103, and 104 of the Government Corporation Control Act (31 U.S.C. 847-849)) for wholly-owned Government corporations.

59 Stat. 597;
61 Stat. 584.

"RECORDS, ANNUAL STATEMENT, AND AUDITS

"SEC. 1234. (a) Any insurer or pool acquiring reinsurance under this title shall furnish the Secretary with such summaries and analyses of information in its records as may be necessary to carry out the purposes of this title, in such form as the Secretary, in cooperation with the State insurance authority, shall, by rules and regulations, prescribe. The Secretary shall make use of State insurance authority examination reports and facilities to the maximum extent feasible.

"(b) Any insurer or pool acquiring reinsurance under this title shall file with the Secretary a true and correct copy of any annual statement, or amendment thereof, filed with the State insurance authority of its domiciliary State, at the time it files such statement or amendment with such State insurance authority.

"(c) Any insurer or other person executing any contract, agreement, or other appropriate arrangement with the Secretary under section 1222 or section 1232 shall keep reasonable records which fully disclose the total costs of the programs undertaken or the services being rendered, and such other records as will facilitate an effective audit of liability for reinsurance payments by the Secretary.

Recordkeeping
requirements.

"(d) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of investigation, audit, and examination to any books, documents, papers, and records of any insurer or other person that are pertinent to the costs of any program undertaken for, or services rendered to, the Secretary. Such audits shall be conducted to the maximum extent feasible in cooperation with the State insurance authorities and through the use of their examining facilities.

Access to rec-
ords, etc.

"STUDY OF REINSURANCE AND OTHER PROGRAMS

"SEC. 1235. (a) The Secretary is authorized and directed to conduct a study of reinsurance and other means to help assure—

"(1) an adequate market for burglary and theft and other property insurance in urban areas; and

"(2) adequate availability of surety bonds for construction contractors in urban areas.

"(b) The Secretary shall submit the results of this study, together with appropriate recommendations, to the President and Congress no later than one year following the date of the enactment of this title.

"OTHER STUDIES

"SEC. 1236. (a) The Secretary is authorized to undertake such studies as may be necessary to carry out the purposes of this title including, but not limited to, inquiries concerning—

"(1) the operation of plans under part A;

"(2) the extent to which essential property insurance is unavailable in urban areas;

"(3) the market for private reinsurance; and

"(4) loss prevention methods and procedures, insurance marketing methods, and underwriting techniques.

"(b) To such extent and under such circumstances as may be practicable and feasible, the Secretary shall conduct any study authorized

under this section in cooperation with State insurance authorities and the private insurance industry.

“GENERAL POWERS

“SEC. 1237. In the performance of, and with respect to, the functions, powers, and duties vested in him by this title, the Secretary shall (in addition to any authority otherwise vested in him) have the functions, powers, and duties (including the authority to issue rules and regulations) set forth in section 402, except subsections (c) (2), (d), and (f), of the Housing Act of 1950. Any rules or regulations of the Secretary shall only be issued after full consultation with the Board and after notice and hearing, if granted, as required by the Administrative Procedure Act.

64 Stat. 78;
73 Stat. 681.
12 USC 1749a.

60 Stat. 237.
5 USC 551
et seq.

“SERVICES AND FACILITIES OF OTHER AGENCIES—UTILIZATION OF PERSONNEL, SERVICES, FACILITIES, AND INFORMATION

“SEC. 1238. The Secretary may, with the consent of the agency concerned, accept and utilize, on a reimbursable basis, the officers, employees, services, facilities, and information of any agency of the Federal Government, except that any such agency having custody of any data relating to any of the matters within the jurisdiction of the Secretary shall, to the extent permitted by law, upon request of the Secretary, make such data available to the Secretary.

“ADVANCE PAYMENTS

“SEC. 1239. Any payments which are made under the authority of this title may be made, after necessary adjustments on account of previously made underpayments or overpayments in advance or by way of reimbursement. Payments may be made in such installments and on such conditions as the Secretary may determine.

“TAXATION

“SEC. 1240. (a) The National Insurance Development Fund, including its reserves, surplus, and income, shall be exempt from all taxation now or hereafter imposed by the United States, or by any State, or any subdivision thereof, except that any real property acquired by the Secretary as a result of reinsurance shall be subject to taxation by any State or political subdivision thereof, to the same extent, according to its value, as other real property is taxed.

“(b) Any measures undertaken by any State to meet or to fund its obligations under section 1223(a) (1) shall not be the subject of any retaliatory or fiscal imposition by any other State.

“APPROPRIATIONS

“SEC. 1241. There are hereby authorized to be appropriated such sums as may be necessary to carry out this title.”

FINANCING

SEC. 1104. Section 520(b) of the National Housing Act is amended by inserting “(1)” after “necessary” in the first sentence, and by striking out the period at the end of such sentence and inserting in lieu thereof “; and (2) to make payments for reinsured losses under title XII of this Act: *Provided, however,* That borrowings to make payments for reinsured losses under title XII shall be limited to

79 Stat. 472.
12 USC 1735d.

\$250,000,000 or such further sum as the Congress, by joint resolution, may from time to time determine."

FEDERAL INSURANCE ADMINISTRATOR

SEC. 1105. (a) There is hereby established in the Department of Housing and Urban Development the position of Federal Insurance Administrator.

(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

80 Stat. 461;
81 Stat. 638.

"(91) Federal Insurance Administrator, Department of Housing and Urban Development."

CLARIFYING AMENDMENTS TO ACTS REFERRING TO DISASTERS

SEC. 1106. (a) Section 7(b)(1) of the Small Business Act is amended by inserting "riots or civil disorders," before "or other catastrophes".

72 Stat. 387.
15 USC 636.

(b) Section 101(c)(2)(E) of the Housing and Urban Development Act of 1965 is amended by striking out "natural".

79 Stat. 451.
12 USC 1701s.
70 Stat. 1101;
81 Stat. 21.
42 USC 1462.

(c) Section 111 of the Housing Act of 1949 is amended by striking out "the Secretary" after "disaster," and inserting in lieu thereof "or which the Secretary has determined is in need of such redevelopment or rehabilitation as a result of a riot or civil disorder, he".

(d) Section 203(h) of the National Housing Act is amended by inserting "riot or civil disorder," before "or other catastrophe".

68 Stat. 592.
12 USC 1709.

(e) No person who has been convicted of committing a felony during and in connection with a riot or civil disorder shall be permitted, for a period of one year after the date of his conviction, to receive any benefit under any law of the United States providing relief for disaster victims.

Relief to convicted felons, prohibition.

TITLE XII—DISTRICT OF COLUMBIA INSURANCE PLACEMENT ACT

SHORT TITLE

SEC. 1201. This title may be cited as the "District of Columbia Insurance Placement Act".

DECLARATION OF PURPOSE

SEC. 1202. The purposes of this title are—

(1) to assure stability in the property insurance market for property located in the District of Columbia;

(2) to assure the availability of basic property insurance as defined by this title;

(3) to encourage maximum use, in obtaining basic property insurance, of the normal insurance market provided by authorized insurers; and

(4) to provide for the equitable distribution among insurers of the responsibility for insuring qualified property in the District of Columbia for which insurance cannot be obtained through the normal insurance market and to authorize the establishment of a joint underwriting association in the District of Columbia to provide for reinsuring of basic property insurance without regard to environmental hazards.

DEFINITIONS

SEC. 1203. As used in this title, unless the context otherwise requires—

(1) The term "Commissioner" means the Commissioner of the District of Columbia or his designated agent.

(2) The term "basic property insurance" means (1) insurance against direct loss to property caused by perils as defined and limited in the standard fire policy and extended coverage endorsement thereon, as approved by the Commissioner, and (2) such other insurance (including insurance against the perils of vandalism, malicious mischief, burglary, theft, and robbery) as the Commissioner may designate (under regulations adopted or made under section 1205 of this title) from those lines of property insurance for which reinsurance is available for losses from riots or civil disorders under part B of title XII of the National Housing Act.

Ante, p. 560.

(3) The term "environmental hazard" means any hazardous condition that might give rise to loss under an insurance contract, but which is beyond the control of the property owner.

(4) The term "inspection bureau" means any rating bureau or other organization designated by the Commissioner to perform inspections to determine the condition of the properties for which basic property insurance is sought.

(5) The terms "Industry Placement Facility" and "Facility" mean the facility consisting of all insurers licensed to write and engaged in writing basic property insurance (including homeowners and commercial multiperil policies) within the District of Columbia to assist agents, brokers, and applicants in securing basic property insurance.

(6) The term "premiums written" means gross direct premiums charged with respect to property in the District of Columbia on all policies of basic property insurance and the basic property insurance premium components of all multiperil policies, less all premiums and dividends returned, paid, or credited to policyholders or the unused or unabsorbed portions of premiums deposits.

(7) The term "property owner" means any person having an insurable interest in real, personal, or mixed real and personal property.

INDUSTRY PLACEMENT FACILITY

SEC. 1204. (a) Within thirty days after the date of the enactment of this title all insurers licensed to write and engaged in writing in the District of Columbia, on a direct basis, basic property insurance or any component thereof in multiperil policies, shall establish an Industry Placement Facility. The Facility shall formulate and administer a program, subject to disapproval by the Commissioner in whole or in part, to seek the equitable apportionment amount such insurers of basic property insurance which may be afforded applicants in the District of Columbia whose property is insurable in accordance with reasonable underwriting standards and who individually or through their insurance agent or broker request the aid of the Facility to procure such insurance. The Facility shall seek to place insurance with one or more participating companies up to the full insurable value of the risk, if requested, except to the extent that deductibles, percentage participation clauses, and other underwriting devices are employed to meet special problems of insurability.

(b) The Facility may, subject to the approval of the Commissioner, provide as part of its program for the equitable distribution of commercial risks and dwelling risks among insurers.

(c) Each insurer licensed to write and engaged in writing in the District of Columbia, on a direct basis, basic property insurance or

any component thereof in multiperil policies shall participate in the Industry Placement Facility program in accordance with the established rules of the program as a condition of its authority to transact such kinds of insurance in the District of Columbia, except that, in lieu of revoking or suspending the certificate of authority of any company for any failure to comply with any of the established rules of the program, the Commissioner may subject such company to a penalty of not more than \$200 for each such failure to so comply when in his judgment he finds that the public interest would be best served by the continued operation of the company in the District of Columbia.

Penalty for
noncompliance.

FAIR ACCESS TO INSURANCE REQUIREMENTS

SEC. 1205. (a) The Industry Placement Facility shall on its own motion, or within thirty days after a request by the Commissioner, submit to the Commissioner such proposed rules and regulations applicable to insurers, agents, and brokers deemed necessary to assure all property owners fair access to basic property insurance through the normal insurance markets, including rules and regulations concerning—

(1) the manner and scope of inspections of risk by an inspection bureau;

(2) the preparation and filing of inspection reports and reports on actions taken in connection with inspected risks, and summaries thereof;

(3) the operation of the Facility, including rules and regulations concerning—

(A) the basic property insurance coverages to be provided through the Facility;

(B) the reasonable effort to obtain insurance in the normal commercial market required of an applicant before recourse to the Facility; and

(C) the appeals procedure within the Facility for any applicant for insurance regarding any ruling, action, or decision by or on behalf of the Facility.

(b) The Commissioner may adopt such of the rules and regulations submitted pursuant to subsection (a) of this section as he approves. If the Commissioner disapproves any proposed rule or regulation submitted, he shall state the reasons for so doing, and he shall require the Facility to submit a revision thereof within such time as he may designate, but no less than ten days. During such designated time, the Commissioner and the Facility shall consult regarding any such disapproved rule or regulation. If the Facility fails to submit a proposed rule or regulation, or revision thereof, within the designated time, or if a revised rule or regulation is unacceptable to the Commissioner, the Commissioner may make such rules and regulations covering the proposed general subject matter as he shall deem necessary to carry out the purposes of this title. Any rule or regulation adopted or made under this section shall be consistent with the requirements of part A of title XII of the National Housing Act.

Ante, p. 558.

JOINT UNDERWRITING ASSOCIATION

SEC. 1206. (a) The Commissioner is authorized to establish by order a joint underwriting association if he finds, after notice and hearing, that such association is necessary to carry out the purposes of this title. Such joint underwriting association shall consist of all insurers licensed to write and engaged in writing in the District of Columbia, on a direct basis, such basic property insurance as may be designated by the Commissioner or any component thereof in multiperil policies.

Penalty for
noncompliance.

(b) Every such insurer shall be and remain a member of the association and shall comply with all requirements of membership as a condition of its authority to transact such kinds of insurance in the District of Columbia, except that in lieu of revoking or suspending the certificate of authority of any company for any failure to comply with any of the requirements of membership, the Commissioner may subject such company to a penalty of not more than \$200 for each such failure to so comply when in his judgment he finds that the public interest would be best served by the continued operation of the company in the District of Columbia.

(c) (1) Within sixty days following the effective date of the order of the Commissioner under this section the association shall submit to him a proposed plan of operation, consistent with the provisions of this title, which shall provide for economical, fair, and nondiscriminatory administration of the association and for the prompt and efficient provision of reinsurance, without regard to environmental hazards, for such basic property insurance as may be designated by the Commissioner. The plan of operation shall include provisions for—

(A) preliminary assessment of all members for initial expenses necessary to commence operations;

(B) establishment of necessary facilities;

(C) management and operation of the association;

(D) assessment of members to defray losses and expenses;

(E) commission arrangements;

(F) reasonable underwriting standards;

(G) assumption and cession of reinsurance; and

(H) such other matters as the Commissioner may designate.

(2) The plan of operation shall not take effect until approved by the Commissioner. If the Commissioner disapproves the proposed plan of operation (or any part thereof), he shall state the reasons for so doing, and the association shall within thirty days thereafter submit for his review an appropriately revised plan of operation. During such time, the Commissioner and the association shall consult regarding the disapproved plan or part thereof. If the association fails to submit a revised plan of operation, or if the revised plan so submitted is unacceptable to the Commissioner, the Commissioner shall promulgate a plan of operation.

(3) The association may, on its own initiative, amend such plan, subject to approval by the Commissioner, and shall amend such plan at the direction of the Commissioner if he finds such action is necessary to carry out the purposes of this title.

(d) All members of the association shall participate in its writings, expenses, profits, and losses, or in such categories thereof as may be separately established by the association, subject to approval by the Commissioner, in the proportion that the premiums written by each such member during the preceding calendar year bear to the aggregate premiums written in the District of Columbia by all members of the association, or in accordance with such other formula as the association may devise with the approval of the Commissioner. Such participation by each insurer in the association shall be determined annually on the basis of such premiums written during the preceding calendar year as disclosed in the annual statements and other reports filed by the insurer with the Commissioner.

(e) The association shall be governed by a board of eleven directors, elected annually by cumulative voting by the members of the association, whose votes in such election shall be weighted in accordance with the proportionate amount of each member's net direct premiums written in the District of Columbia during the preceding calendar year.

The first board shall be elected at a meeting of the members or their authorized representatives, which shall be held within thirty days after the effective date of the order under this section establishing the association, at a time and place designated by the Commissioner.

EXAMINATION BY COMMISSIONER

SEC. 1207. The operation of any inspection bureau, the Industry Placement Facility, and the joint underwriting association shall at all times be subject to the supervision and regulation of the Commissioner. The Commissioner shall have the power of visitation of and examination into such operations and free access to all the books, records, files, papers, and documents that relate to such operations, may summon and qualify witnesses under oath, and may examine directors, officers, agents, employees or, any other person having knowledge of such operations.

Access to records.

WAIVER OF LIABILITY

SEC. 1208. There shall be no liability on the part of, and no cause of action of any nature shall arise against, insurers, any inspection bureau, the Industry Placement Facility, the joint underwriting association, the agents or employees of such bureau, Facility, or association, or any officer or employee of the District of Columbia, for any statements made in good faith by them concerning the insurability of property (A) in any reports or other communications, (B) at the time of the hearings conducted in connection therewith, or (C) in the findings with respect thereto required by the provisions of this title. The reports and communications of any inspection bureau, the Industry Placement Facility, and the joint underwriting association with respect to individual properties shall not be open to inspection by, or otherwise available to, the public.

ANNUAL REPORTS BY JOINT UNDERWRITING ASSOCIATION

SEC. 1209. The joint underwriting association shall file with the Commissioner, annually on or before the 1st day of March, a statement which shall contain information with respect to its transactions, condition, operations, and affairs during the preceding year. Such statement shall contain such matters and information as are prescribed by the Commissioner and shall be in such form as is approved by him. The Commissioner may at any time require the association to furnish him with additional information with respect to its transactions, condition, or any matter connected therewith which he considers to be material and which will assist him in evaluating the scope, operation, and experience of the association.

APPEALS

SEC. 1210. (a) Any applicant for insurance and any affected insurer may appeal to the Commissioner within ninety days after any final ruling, action, or decision by or on behalf of any inspection bureau, the Industry Placement Facility, or the joint underwriting association, following exhaustion of remedies available within such bureau, Facility, or association.

(b) All final orders or decisions of the Commissioner made under this title shall be subject to review by the District of Columbia Court of Appeals under section 11-742 of the District of Columbia Code.

REIMBURSEMENT FOR REINSURANCE PROVIDED UNDER NATIONAL
INSURANCE DEVELOPMENT PROGRAM

Ante, p. 560.

SEC. 1211. (a) In order to carry out the purposes of this title and to make available to insurers who participate hereunder the reinsurance afforded under part B of title XII of the National Housing Act against losses to property resulting from riots or civil disorders, the Commissioner is authorized to assess each insurance company authorized to do business in the District of Columbia an amount, in the proportion that the premiums earned by each such company in the District of Columbia, on lines reinsured in the District of Columbia by the Secretary of Housing and Urban Development, during the preceding calendar year bear to the aggregate premiums earned on those lines in the District of Columbia by all insurance companies, sufficient to provide a fund to reimburse the Secretary of Housing and Urban Development in the manner set forth in section 1223(a)(1) of such part B. Such fund may be added to or such fund may be created by moneys appropriated therefor by the Congress.

(b) Insurers shall add to the premium rate an amount, to be approved by the Commissioner, sufficient to recover, within not more than three years, any amounts assessed under subsection (a) of this section during the preceding calendar year. Such amount shall be a separate charge to the insured in addition to the premium to be paid and shall be reflected as such in the policy of insurance. No commission shall be paid thereon to any agent or broker producing or selling the policy of insurance wherein such amount is added.

DELEGATION

SEC. 1212. The Commissioner is authorized to delegate any of the functions vested in him by this title.

JUDICIAL REVIEW

77 Stat. 485;
78 Stat. 633.

SEC. 1213. Section 11-742(a) of the District of Columbia Code is amended (1) by striking out "and" immediately following paragraph (10); (2) by striking out the period following paragraph (11) and inserting in lieu thereof "; and"; and (3) by adding at the end thereof the following new paragraph:

"(12) final orders and decisions of the Commissioner of the District of Columbia under the provisions of the District of Columbia Insurance Placement Act."

TITLE XIII—NATIONAL FLOOD INSURANCE

SHORT TITLE

SEC. 1301. This title may be cited as the "National Flood Insurance Act of 1968".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 1302. (a) The Congress finds that (1) from time to time flood disasters have created personal hardships and economic distress which have required unforeseen disaster relief measures and have placed an increasing burden on the Nation's resources; (2) despite the installation of preventive and protective works and the adoption of other public programs designed to reduce losses caused by flood damage, these methods have not been sufficient to protect adequately against growing exposure to future flood losses; (3) as a matter of national policy, a reasonable method of sharing the risk of flood losses is

through a program of flood insurance which can complement and encourage preventive and protective measures; and (4) if such a program is initiated and carried out gradually, it can be expanded as knowledge is gained and experience is appraised, thus eventually making flood insurance coverage available on reasonable terms and conditions to persons who have need for such protection.

(b) The Congress also finds that (1) many factors have made it uneconomic for the private insurance industry alone to make flood insurance available to those in need of such protection on reasonable terms and conditions; but (2) a program of flood insurance with large-scale participation of the Federal Government and carried out to the maximum extent practicable by the private insurance industry is feasible and can be initiated.

(c) The Congress further finds that (1) a program of flood insurance can promote the public interest by providing appropriate protection against the perils of flood losses and encouraging sound land use by minimizing exposure of property to flood losses; and (2) the objectives of a flood insurance program should be integrally related to a unified national program for flood plain management and, to this end, it is the sense of Congress that within two years following the effective date of this title the President should transmit to the Congress for its consideration any further proposals necessary for such a unified program, including proposals for the allocation of costs among beneficiaries of flood protection.

Proposals
transmitted to
Congress.

(d) It is therefore the purpose of this title to (1) authorize a flood insurance program by means of which flood insurance, over a period of time, can be made available on a nationwide basis through the cooperative efforts of the Federal Government and the private insurance industry, and (2) provide flexibility in the program so that such flood insurance may be based on workable methods of pooling risks, minimizing costs, and distributing burdens equitably among those who will be protected by flood insurance and the general public.

(e) It is the further purpose of this title to (1) encourage State and local governments to make appropriate land use adjustments to restrict the development of land which is exposed to flood damage and minimize damage caused by flood losses, (2) guide the development of proposed future construction, where practicable, away from locations which are threatened by flood hazards, (3) encourage lending and credit institutions, as a matter of national policy, to assist in furthering the objectives of the flood insurance program, (4) assure that any Federal assistance provided under the program will be related closely to all flood-related programs and activities of the Federal Government, and (5) authorize continuing studies of flood hazards in order to provide for a constant reappraisal of the flood insurance program and its effect on land use requirements.

AMENDMENTS TO THE FEDERAL FLOOD INSURANCE ACT OF 1956

SEC. 1303. (a) The second sentence of section 15(e) of the Federal Flood Insurance Act of 1956 (79 Stat. 1078) is amended—

70 Stat. 1084.
42 USC 2414.

(1) by striking out “rate” the second time it appears in such sentence, and inserting in lieu thereof “market yield”, and

(2) by striking out “as of the last day of”, and inserting in lieu thereof “during”.

(b) Section 15(e) of such Act is further amended by striking out the last sentence thereof.

(c) Sections 2 through 14, subsections (a) through (d), and (f) and (g) of section 15, and sections 16 through 23 of such Act are hereby repealed.

Repeal.
42 USC 2401
et seq.

CHAPTER I—THE NATIONAL FLOOD INSURANCE PROGRAM

BASIC AUTHORITY

SEC. 1304. (a) To carry out the purposes of this title, the Secretary of Housing and Urban Development is authorized to establish and carry out a national flood insurance program which will enable interested persons to purchase insurance against loss resulting from physical damage to or loss of real property or personal property related thereto arising from any flood occurring in the United States.

(b) In carrying out the flood insurance program the Secretary shall, to the maximum extent practicable, encourage and arrange for—

(1) appropriate financial participation and risk sharing in the program by insurance companies and other insurers, and

(2) other appropriate participation, on other than a risk-sharing basis, by insurance companies and other insurers, insurance agents and brokers, and insurance adjustment organizations,

in accordance with the provisions of chapter II.

Post, p. 581.

SCOPE OF PROGRAM AND PRIORITIES

SEC. 1305. (a) In carrying out the flood insurance program the Secretary shall afford a priority to making flood insurance available to cover residential properties which are designed for the occupancy of from one to four families and business properties which are owned or leased and operated by small business concerns.

(b) If on the basis of—

(1) studies and investigations undertaken and carried out and information received or exchanged under section 1307, and

(2) such other information as may be necessary,

the Secretary determines that it would be feasible to extend the flood insurance program to cover other properties, he may take such action under this title as from time to time may be necessary in order to make flood insurance available to cover, on such basis as may be feasible, any types and classes of—

(A) other residential properties,

(B) other business properties,

(C) agricultural properties,

(D) properties occupied by private nonprofit organizations, and

(E) properties owned by State and local governments and agencies thereof,

and any such extensions of the program to any types and classes of these properties shall from time to time be prescribed in regulations.

(c) The Secretary shall make flood insurance available in only those States or areas (or subdivisions thereof) which he has determined have—

(1) evidenced a positive interest in securing flood insurance coverage under the flood insurance program, and

(2) given satisfactory assurance that by June 30, 1970, permanent land use and control measures will have been adopted for the State or area (or subdivision) which are consistent with the comprehensive criteria for land management and use developed under section 1361, and that the application and enforcement of such measures will commence as soon as technical information on floodways and on controlling flood elevations is available.

NATURE AND LIMITATION OF INSURANCE COVERAGE

SEC. 1306. (a) The Secretary shall from time to time, after consultation with the advisory committee authorized under section 1318, appropriate representatives of the pool formed or otherwise created under section 1331, and appropriate representatives of the insurance authorities of the respective States, provide by regulation for general terms and conditions of insurability which shall be applicable to properties eligible for flood insurance coverage under section 1305, including—

- (1) the types, classes, and locations of any such properties which shall be eligible for flood insurance;
- (2) the nature and limits of loss or damage in any areas (or subdivisions thereof) which may be covered by such insurance;
- (3) the classification, limitation, and rejection of any risks which may be advisable;
- (4) appropriate minimum premiums;
- (5) appropriate loss-deductibles; and
- (6) any other terms and conditions relating to insurance coverage or exclusion which may be necessary to carry out the purposes of this title.

(b) In addition to any other terms and conditions under subsection (a), such regulations shall provide that—

(1) any flood insurance coverage based on chargeable premium rates under section 1308 which are less than the estimated premium rates under section 1307(a)(1) shall not exceed—

(A) in the case of residential properties which are designed for the occupancy of from one to four families—

(i) \$17,500 aggregate liability for any dwelling unit, and \$30,000 for any single dwelling structure containing more than one dwelling unit, and

(ii) \$5,000 aggregate liability per dwelling unit for any contents related to such unit;

(B) in the case of business properties which are owned or leased and operated by small business concerns, an aggregate liability with respect to any single structure, including any contents thereof related to premises of small business occupants (as that term is defined by the Secretary), which shall be equal to (i) \$30,000 plus (ii) \$5,000 multiplied by the number of such occupants and shall be allocated among such occupants (or among the occupant or occupants and the owner) under regulations prescribed by the Secretary; except that the aggregate liability for the structure itself may in no case exceed \$30,000; and

(C) in the case of any other properties which may become eligible for flood insurance coverage under section 1305—

(i) \$30,000 aggregate liability for any single structure, and

(ii) \$5,000 aggregate liability per dwelling unit for any contents related to such unit in the case of residential properties, or per occupant (as that term is defined by the Secretary) for any contents related to the premises occupied in the case of any other properties; and

(2) any flood insurance coverage which may be made available in excess of any of the limits specified in subparagraph (A), (B), or (C) of paragraph (1) (or allocated to any person under subparagraph (B) of such paragraph) shall be based only on chargeable premium rates under section 1308 which are not less than the estimated premium rates under section 1307(a)(1), and the

amount of such excess coverage shall not in any case exceed an amount which is equal to the applicable limit so specified (or allocated).

ESTIMATES OF PREMIUM RATES

SEC. 1307. (a) The Secretary is authorized to undertake and carry out such studies and investigations and receive or exchange such information as may be necessary to estimate, and shall from time to time estimate, on an area, subdivision, or other appropriate basis—

(1) the risk premium rates for flood insurance which—

(A) based on consideration of the risk involved and accepted actuarial principles, and

(B) including—

(i) the applicable operating costs and allowances set forth in the schedules prescribed under section 1311 and reflected in such rates, and

(ii) any administrative expenses (or portion of such expenses) of carrying out the flood insurance program which, in his discretion, should properly be reflected in such rates,

would be required in order to make such insurance available on an actuarial basis for any types and classes of properties for which insurance coverage is available under section 1305(a) (or is recommended to the Congress under section 1305(b));

(2) the rates, if less than the rates estimated under paragraph (1), which would be reasonable, would encourage prospective insureds to purchase flood insurance, and would be consistent with the purposes of this title; and

(3) the extent, if any, to which federally assisted or other flood protection measures initiated after the date of the enactment of this title affect such rates.

(b) In carrying out subsection (a), the Secretary shall, to the maximum extent feasible and on a reimbursement basis, utilize the services of the Department of the Army, the Department of the Interior, the Department of Agriculture, the Department of Commerce, and the Tennessee Valley Authority, and, as appropriate, other Federal departments or agencies, and for such purposes may enter into agreements or other appropriate arrangements with any persons.

(c) The Secretary shall give priority to conducting studies and investigations and making estimates under this section in those States or areas (or subdivisions thereof) which he has determined have evidenced a positive interest in securing flood insurance coverage under the flood insurance program.

ESTABLISHMENT OF CHARGEABLE PREMIUM RATES

SEC. 1308. (a) On the basis of estimates made under section 1307 and such other information as may be necessary, the Secretary shall from time to time, after consultation with the advisory committee authorized under section 1318, appropriate representatives of the pool formed or otherwise created under section 1331, and appropriate representatives of the insurance authorities of the respective States, prescribe by regulation—

(1) chargeable premium rates for any types and classes of properties for which insurance coverage shall be available under section 1305 (at less than the estimated risk premium rates under section 1307(a) (1), where necessary), and

(2) the terms and conditions under which, and the areas (including subdivisions thereof) within which, such rates shall apply.

(b) Such rates shall, insofar as practicable, be—

(1) based on a consideration of the respective risks involved, including differences in risks due to land use measures, flood-proofing, flood forecasting, and similar measures.

(2) adequate, on the basis of accepted actuarial principles, to provide reserves for anticipated losses, or, if less than such amount, consistent with the objective of making flood insurance available where necessary at reasonable rates so as to encourage prospective insureds to purchase such insurance and with the purposes of this title, and

(3) stated so as to reflect the basis for such rates, including the differences (if any) between the estimated risk premium rates under section 1307(a)(1) and the estimated rates under section 1307(a)(2).

(c) Notwithstanding any other provision of this title, the chargeable rate with respect to any property, the construction or substantial improvement of which the Secretary determines has been started after the identification of the area in which such property is located has been published under paragraph (1) of section 1360, shall not be less than the applicable estimated risk premium rate for such area (or subdivision thereof) under section 1307(a)(1).

(d) In the event any chargeable premium rate prescribed under this section—

(1) is a rate which is not less than the applicable estimated risk premium rate under section 1307(a)(1), and

(2) includes any amount for administrative expenses of carrying out the flood insurance program which have been estimated under clause (ii) of section 1307(a)(1)(B),

a sum equal to such amount shall be paid to the Secretary, and he shall deposit such sum in the National Flood Insurance Fund established under section 1310.

FINANCING

SEC. 1309. (a) All authority which was vested in the Housing and Home Finance Administrator by virtue of section 15(e) of the Federal Flood Insurance Act of 1956 (70 Stat. 1084) (pertaining to the issue of notes or other obligations to the Secretary of the Treasury), as amended by subsections (a) and (b) of section 1303 of this Act, shall be available to the Secretary for the purpose of carrying out the flood insurance program under this title; except that the total amount of notes and obligations which may be issued by the Secretary pursuant to such authority shall not exceed \$250,000,000, and all authority of the Secretary to issue notes and obligations under said section 15 (e) beyond such sum is hereby rescinded.

42 USC 2414.

(b) Any funds borrowed by the Secretary under this authority shall, from time to time, be deposited in the National Flood Insurance Fund established under section 1310.

NATIONAL FLOOD INSURANCE FUND

SEC. 1310. (a) To carry out the flood insurance program authorized by this title, the Secretary is authorized to establish in the Treasury of the United States a National Flood Insurance Fund (hereinafter referred to as the "fund") which shall be available, without fiscal year limitation—

(1) for making such payments as may, from time to time, be required under section 1334;

(2) to pay reinsurance claims under the excess loss reinsurance coverage provided under section 1335;

(3) to repay to the Secretary of the Treasury such sums as may be borrowed from him (together with interest) in accordance with the authority provided in section 1309; and

(4) to pay such administrative expenses (or portion of such expenses) of carrying out the flood insurance program as he may deem necessary; and

(5) for the purposes specified in subsection (d) under the conditions provided therein.

(b) The fund shall be credited with—

(1) such funds borrowed in accordance with the authority provided in section 1309 as may from time to time be deposited in the fund;

(2) premiums, fees, or other charges which may be paid or collected in connection with the excess loss reinsurance coverage provided under section 1335;

(3) such amounts as may be advanced to the fund from appropriations in order to maintain the fund in an operative condition adequate to meet its liabilities;

(4) interest which may be earned on investments of the fund pursuant to subsection (c);

(5) such sums as are required to be paid to the Secretary under section 1308(d); and

(6) receipts from any other operations under this title (including premiums under the conditions specified in subsection (d), and salvage proceeds, if any, resulting from reinsurance coverage).

(c) If, after—

(1) all outstanding obligations of the fund have been liquidated, and

(2) any outstanding amounts which may have been advanced to the fund from appropriations authorized under section 1376 (a)(2)(B) have been credited to the appropriation from which advanced, with interest accrued at the rate prescribed under section 15(e) of the Federal Flood Insurance Act of 1956, as in effect immediately prior to the enactment of this title,

the Secretary determines that the moneys of the fund are in excess of current needs, he may request the investment of such amounts as he deems advisable by the Secretary of the Treasury in obligations issued or guaranteed by the United States.

(d) In the event the Secretary makes a determination in accordance with the provisions of section 1340 that operation of the flood insurance program, in whole or in part, should be carried out through the facilities of the Federal Government, the fund shall be available for all purposes incident thereto, including—

(1) cost incurred in the adjustment and payment of any claims for losses, and

(2) payment of applicable operating costs set forth in the schedules prescribed under section 1311, for so long as the program is so carried out, and in such event any premiums paid shall be deposited by the Secretary to the credit of the fund.

(e) An annual business-type budget for the fund shall be prepared, transmitted to the Congress, considered, and enacted in the manner prescribed by law (sections 102, 103, and 104 of the Government Corporation Control Act (31 U.S.C. 847-849)) for wholly-owned Government corporations.

70 Stat. 1084.
42 USC 2414.

Investment of
moneys.

59 Stat. 597;
61 Stat. 584.

OPERATING COSTS AND ALLOWANCES

SEC. 1311. (a) The Secretary shall from time to time negotiate with appropriate representatives of the insurance industry for the purpose of establishing—

(1) a current schedule of operating costs applicable both to risk-sharing insurance companies and other insurers and to insurance companies and other insurers, insurance agents and brokers, and insurance adjustment organizations participating on other than a risk-sharing basis, and

(2) a current schedule of operating allowances applicable to risk-sharing insurance companies and other insurers, which may be payable in accordance with the provisions of chapter II, and such schedules shall from time to time be prescribed in regulations.

Post, p. 581.

(b) For purposes of subsection (a)—

(1) the term “operating costs” shall (without limiting such term) include—

“Operating costs.”

(A) expense reimbursements covering the direct, actual, and necessary expenses incurred in connection with selling and servicing flood insurance coverage;

(B) reasonable compensation payable for selling and servicing flood insurance coverage, or commissions or service fees paid to producers;

(C) loss adjustment expenses; and

(D) other direct, actual, and necessary expenses which the Secretary finds are incurred in connection with selling or servicing flood insurance coverage; and

(2) the term “operating allowances” shall (without limiting such term) include amounts for profit and contingencies which the Secretary finds reasonable and necessary to carry out the purposes of this title.

“Operating allowances.”

PAYMENT OF CLAIMS

SEC. 1312. The Secretary is authorized to prescribe regulations establishing the general method or methods by which proved and approved claims for losses may be adjusted and paid for any damage to or loss of property which is covered by flood insurance made available under the provisions of this title.

DISSEMINATION OF FLOOD INSURANCE INFORMATION

SEC. 1313. The Secretary shall from time to time take such action as may be necessary in order to make information and data available to the public, and to any State or local agency or official, with regard to—

(1) the flood insurance program, its coverage and objectives, and

(2) estimated and chargeable flood insurance premium rates, including the basis for and differences between such rates in accordance with the provisions of section 1308.

PROHIBITION AGAINST CERTAIN DUPLICATIONS OF BENEFITS

SEC. 1314. (a) Notwithstanding the provisions of any other law, no Federal disaster assistance shall be made available to any person—

(1) for the physical loss, destruction, or damage of real or personal property, to the extent that such loss, destruction, or damage is covered by a valid claim which may be adjusted and paid

under flood insurance made available under the authority of this title, or

(2) except in the situation provided for under subsection (b), for the physical loss, destruction, or damage of real or personal property, to the extent that such loss, destruction, or damage could have been covered by a valid claim under flood insurance which had been made available under the authority of this title, if—

(A) such loss, destruction, or damage occurred subsequent to one year following the date flood insurance was made available in the area (or subdivision thereof) in which such property or the major part thereof was located, and

(B) such property was eligible for flood insurance under this title at that date;

and in such circumstances the extent that such loss, destruction, or damage could have been covered shall be presumed (for purposes of this subsection) to be an amount not less than the maximum limit of insurable loss or damage applicable to such property in such area (or subdivision thereof), pursuant to regulations under section 1306, at the time insurance was made available in such area (or subdivision thereof).

(b) In order to assure that the provisions of subsection (a) (2) will not create undue hardship for low-income persons who might otherwise benefit from the provision of Federal disaster assistance, the Secretary shall provide by regulation for the circumstances in which the provisions of subsection (a) (2) shall not be applicable to any such persons.

(c) For purposes of this section, "Federal disaster assistance" shall include any Federal financial assistance which may be made available to any person as a result of—

(1) a major disaster (within the meaning of that term as determined by the President pursuant to the Act entitled "An Act to authorize Federal assistance to State and local governments in major disasters, and for other purposes", as amended (42 U.S.C. 1855-1855g)),

(2) a natural disaster, as determined by the Secretary of Agriculture pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), or

(3) a disaster with respect to which loans may be made under section 7(b) of the Small Business Act (15 U.S.C. 636(b)).

(d) For purposes of section 10 of the Disaster Relief Act of 1966 (80 Stat. 1320), the term "financial assistance" shall be deemed to include any flood insurance which is made available under this title.

"Federal disaster assistance."

64 Stat. 1109.

75 Stat. 311.

72 Stat. 389;
79 Stat. 206.

"Financial assistance."
42 USC 1855ff.

STATE AND LOCAL LAND USE CONTROLS

SEC. 1315. After June 30, 1970, no new flood insurance coverage shall be provided under this title in any area (or subdivision thereof) unless an appropriate public body shall have adopted permanent land use and control measures (with effective enforcement provisions) which the Secretary finds are consistent with the comprehensive criteria for land management and use under section 1361.

PROPERTIES IN VIOLATION OF STATE AND LOCAL LAW

SEC. 1316. No new flood insurance coverage shall be provided under this title for any property which the Secretary finds has been declared by a duly constituted State or local zoning authority, or other authorized public body, to be in violation of State or local laws, regulations, or ordinances which are intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

COORDINATION WITH OTHER PROGRAMS

SEC. 1317. In carrying out this title, the Secretary shall consult with other departments and agencies of the Federal Government, and with interstate, State, and local agencies having responsibilities for flood control, flood forecasting, or flood damage prevention, in order to assure that the programs of such agencies and the flood insurance program authorized under this title are mutually consistent.

ADVISORY COMMITTEE

SEC. 1318. (a) The Secretary shall appoint a flood insurance advisory committee without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and such committee shall advise the secretary in the preparation of any regulations prescribed in accordance with this title and with respect to policy matters arising in the administration of this title, and shall perform such other responsibilities as the Secretary may, from time to time, assign to such committee.

80 Stat. 408.
5 USC 2101
et seq.

(b) Such committee shall consist of not more than fifteen persons and such persons shall be selected from among representatives of—

- (1) the insurance industry,
- (2) State and local governments,
- (3) lending institutions,
- (4) the homebuilding industry, and
- (5) the general public.

(c) Members of the committee shall, while attending conferences or meetings thereof, be entitled to receive compensation at a rate fixed by the Secretary but not exceeding \$100 per day, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as is authorized under section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

Compensation,
travel expenses.

80 Stat. 499.

INITIAL PROGRAM LIMITATION

SEC. 1319. The face amount of flood insurance coverage outstanding and in force at any one time under this title shall not exceed the sum of \$2,500,000,000.

REPORT TO THE PRESIDENT

SEC. 1320. The Secretary shall include a report of operations under this title in the annual report to the President for submission to the Congress required by section 8 of the Department of Housing and Urban Development Act.

79 Stat. 670.
42 USC 3536.

CHAPTER II—ORGANIZATION AND ADMINISTRATION
OF THE FLOOD INSURANCE PROGRAM

ORGANIZATION AND ADMINISTRATION

SEC. 1330. Following such consultation with representatives of the insurance industry as may be necessary, the Secretary shall implement the flood insurance program authorized under chapter I in accordance with the provisions of part A of this chapter and, if a determination is made by him under section 1340, under part B of this chapter.

Ante, p. 574;
Post, pp. 582,
584.

PART A—INDUSTRY PROGRAM WITH FEDERAL FINANCIAL ASSISTANCE

INDUSTRY FLOOD INSURANCE POOL

SEC. 1331. (a) The Secretary is authorized to encourage and otherwise assist any insurance companies and other insurers which meet the requirements prescribed under subsection (b) to form, associate, or otherwise join together in a pool—

Ante, p. 574.

(1) in order to provide the flood insurance coverage authorized under chapter I; and

(2) for the purpose of assuming, on such terms and conditions as may be agreed upon, such financial responsibility as will enable such companies and other insurers, with the Federal financial and other assistance available under this title, to assume a reasonable proportion of responsibility for the adjustment and payment of claims for losses under the flood insurance program.

(b) In order to promote the effective administration of the flood insurance program under this part, and to assure that the objectives of this title are furthered, the Secretary is authorized to prescribe appropriate requirements for insurance companies and other insurers participating in such pool including, but not limited to, minimum requirements for capital or surplus or assets.

AGREEMENTS WITH FLOOD INSURANCE POOL

SEC. 1332. (a) The Secretary is authorized to enter into such agreements with the pool formed or otherwise created under this part as he deems necessary to carry out the purposes of this title.

(b) Such agreements shall specify—

(1) the terms and conditions under which risk capital will be available for the adjustment and payment of claims,

(2) the terms and conditions under which the pool (and the companies and other insurers participating therein) shall participate in premiums received and profits or losses realized or sustained,

(3) the maximum amount of profit, established by the Secretary and set forth in the schedules prescribed under section 1311, which may be realized by such pool (and the companies and other insurers participating therein),

(4) the terms and conditions under which operating costs and allowances set forth in the schedules prescribed under section 1311 may be paid, and

(5) the terms and conditions under which premium equalization payments under section 1334 will be made and reinsurance claims under section 1335 will be paid.

(c) In addition, such agreements shall contain such provisions as the Secretary finds necessary to assure that—

(1) no insurance company or other insurer which meets the requirements prescribed under section 1331(b), and which has indicated an intention to participate in the flood insurance program on a risk-sharing basis, will be excluded from participating in the pool,

(2) the insurance companies and other insurers participating in the pool will take whatever action may be necessary to provide continuity of flood insurance coverage by the pool, and

(3) any insurance companies and other insurers, insurance agents and brokers, and insurance adjustment organizations will be permitted to cooperate with the pool as fiscal agents or otherwise, on other than a risk-sharing basis, to the maximum extent practicable.

ADJUSTMENT AND PAYMENT OF CLAIMS AND JUDICIAL REVIEW

SEC. 1333. The insurance companies and other insurers which form, associate, or otherwise join together in the pool under this part may adjust and pay all claims for proved and approved losses covered by flood insurance in accordance with the provisions of this title and, upon the disallowance by any such company or other insurer of any such claim, or upon the refusal of the claimant to accept the amount allowed upon any such claim, the claimant, within one year after the date of mailing of notice of disallowance or partial disallowance of the claim, may institute an action on such claim against such company or other insurer in the United States district court for the district in which the insured property or the major part thereof shall have been situated, and jurisdiction is hereby conferred upon such court to hear and determine such action without regard to the amount in controversy.

PREMIUM EQUALIZATION PAYMENTS

SEC. 1334. (a) The Secretary, on such terms and conditions as he may from time to time prescribe, shall make periodic payments to the pool formed or otherwise created under section 1331, in recognition of such reductions in chargeable premium rates under section 1308 below estimated premium rates under section 1307(a)(1) as are required in order to make flood insurance available on reasonable terms and conditions.

(b) Such payments shall be based only on the aggregate amount of flood insurance retained by the pool after ceding reinsurance in accordance with the provisions of section 1335, and shall not exceed an aggregate amount in any payment period equal to the sum of the following:

(1) an amount for losses which bears the same ratio to the amount of all proved and approved claims for losses under this title during any designated period as the amount equal to the difference between—

(A) the sum of all premium payments for flood insurance coverage in force under this title during such designated period which would have been payable during such period if all such coverage were based on estimated risk premium rates under section 1307(a)(1) (excluding any administrative expenses which may be reflected in such rates, as specified in clause (ii) of section 1307(a)(1)(B)), and

(B) the sum of the premium payments actually paid or payable for such insurance under this title during such period, bears to the amount specified in clause (A); and

(2) subject to the terms and conditions specified in the agreements entered into with the pool under section 1332, a proportionate amount for appropriate operating costs and allowances (as set forth in the schedules prescribed under section 1311) during any designated period which bears the same ratio to the total amount of such operating costs and allowances during such period as the ratio specified in paragraph (1).

(c) Designated periods under this section and the methods for determining the sum of premiums paid or payable during such periods shall be established by the Secretary.

REINSURANCE COVERAGE

SEC. 1335. (a) The Secretary is authorized to take such action as may be necessary in order to make available, to the pool formed or otherwise created under section 1331, reinsurance for losses (due to claims for proved and approved losses covered by flood insurance)

which are in excess of losses assumed by such pool in accordance with the excess loss agreement entered into under subsection (c).

(b) Such reinsurance shall be made available pursuant to contract, agreement, or any other arrangement, in consideration of such payment of a premium, fee, or other charge as the Secretary finds necessary to cover anticipated losses and other costs of providing such reinsurance.

(c) The Secretary is authorized to negotiate an excess loss agreement, from time to time, under which the amount of flood insurance retained by the pool, after ceding reinsurance, shall be adequate to further the purposes of this title, consistent with the objective of maintaining appropriate financial participation and risk sharing to the maximum extent practicable on the part of participating insurance companies and other insurers.

(d) All reinsurance claims for losses in excess of losses assumed by the pool shall be submitted on a portfolio basis by such pool in accordance with terms and conditions established by the Secretary.

PART B—GOVERNMENT PROGRAM WITH INDUSTRY ASSISTANCE

FEDERAL OPERATION OF THE PROGRAM

SEC. 1340. (a) If at any time, after consultation with representatives of the insurance industry, the Secretary determines that operation of the flood insurance program as provided under part A cannot be carried out, or that such operation, in itself, would be assisted materially by the Federal Government's assumption, in whole or in part, of the operational responsibility for flood insurance under this title (on a temporary or other basis) he shall promptly undertake any necessary arrangements to carry out the program of flood insurance authorized under chapter I through the facilities of the Federal Government, utilizing, for purposes of providing flood insurance coverage, either—

(1) insurance companies and other insurers, insurance agents and brokers, and insurance adjustment organizations, as fiscal agents of the United States,

(2) officers and employees of the Department of Housing and Urban Development, and such other officers and employees of any executive agency (as defined in section 105 of title 5 of the United States Code) as the Secretary and the head of any such agency may from time to time, agree upon, on a reimbursement or other basis, or

(3) both the alternatives specified in paragraphs (1) and (2).

(b) Upon making the determination referred to in subsection (a), and at least thirty days prior to implementing the program of flood insurance authorized under chapter I through the facilities of the Federal Government, the Secretary shall make a report to the Congress and such report shall—

(1) state the reasons for such determination,

(2) be supported by pertinent findings,

(3) indicate the extent to which it is anticipated that the insurance industry will be utilized in providing flood insurance coverage under the program, and

(4) contain such recommendations as the Secretary deems advisable.

ADJUSTMENT AND PAYMENT OF CLAIMS AND JUDICIAL REVIEW

SEC. 1341. In the event the program is carried out as provided in section 1340, the Secretary shall be authorized to adjust and make payment of any claims for proved and approved losses covered by

Ante, p. 574.

80 Stat. 379.

Report to Congress.

flood insurance, and upon the disallowance by the Secretary of any such claim, or upon the refusal of the claimant to accept the amount allowed upon any such claim, the claimant, within one year after the date of mailing of notice of disallowance or partial disallowance by the Secretary, may institute an action against the Secretary on such claim in the United States district court for the district in which the insured property or the major part thereof shall have been situated, and jurisdiction is hereby conferred upon such court to hear and determine such action without regard to the amount in controversy.

U.S. district
court, jurisdic-
tion.

PART C—PROVISIONS OF GENERAL APPLICABILITY

SERVICES BY INSURANCE INDUSTRY

SEC. 1345. (a) In administering the flood insurance program under this chapter, the Secretary is authorized to enter into any contracts, agreements, or other appropriate arrangements which may, from time to time, be necessary for the purpose of utilizing, on such terms and conditions as may be agreed upon, the facilities and services of any insurance companies or other insurers, insurance agents and brokers, or insurance adjustment organizations; and such contracts, agreements, or arrangements may include provision for payment of applicable operating costs and allowances for such facilities and services as set forth in the schedules prescribed under section 1311.

Contract au-
thority.

(b) Any such contracts, agreements, or other arrangements may be entered into without regard to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5) or any other provision of law requiring competitive bidding.

USE OF INSURANCE POOL, COMPANIES, OR OTHER PRIVATE ORGANIZATIONS FOR CERTAIN PAYMENTS

SEC. 1346. (a) In order to provide for maximum efficiency in the administration of the flood insurance program and in order to facilitate the expeditious payment of any Federal funds under such program, the Secretary may enter into contracts with pool formed or otherwise created under section 1331, or any insurance company or other private organization, for the purpose of securing performance by such pool, company, or organization of any or all of the following responsibilities:

(1) estimating and later determining any amounts of payments to be made;

(2) receiving from the Secretary, disbursing, and accounting for funds in making such payments;

(3) making such audits of the records of any insurance company or other insurer, insurance agent or broker, or insurance adjustment organization as may be necessary to assure that proper payments are made; and

(4) otherwise assisting in such manner as the contract may provide to further the purposes of this title.

(b) Any contract with the pool or an insurance company or other private organization under this section may contain such terms and conditions as the Secretary finds necessary or appropriate for carrying out responsibilities under subsection (a), and may provide for payment of any costs which the Secretary determines are incidental to carrying out such responsibilities which are covered by the contract.

(c) Any contract entered into under subsection (a) may be entered into without regard to section 3709 of the Revised Statute (41 U.S.C. 5) or any other provision of law requiring competitive bidding.

(d) No contract may be entered into under this section unless the Secretary finds that the pool, company, or organization will perform its obligations under the contract efficiently and effectively, and will meet such requirements as to financial responsibility, legal authority, and other matters as he finds pertinent.

(e) (1) Any such contract may require the pool, company, or organization or any of its officers or employees certifying payments or disbursing funds pursuant to the contract, or otherwise participating in carrying out the contract, to give surety bond to the United States in such amount as the Secretary may deem appropriate.

(2) No individual designated pursuant to a contract under this section to certify payments shall, in the absence of gross negligence or intent to defraud the United States, be liable with respect to any payment certified by him under this section.

(3) No officer disbursing funds shall in the absence of gross negligence or intent to defraud the United States, be liable with respect to any payment by him under this section if it was based upon a voucher signed by an individual designated to certify payments as provided in paragraph (2) of this subsection.

(f) Any contract entered into under this section shall be for a term of one year, and may be made automatically renewable from term to term in the absence of notice by either party of an intention to terminate at the end of the current term; except that the Secretary may terminate any such contract at any time (after reasonable notice to the pool, company, or organization involved) if he finds that the pool, company, or organization has failed substantially to carry out the contract, or is carrying out the contract in a manner inconsistent with the efficient and effective administration of the flood insurance program authorized under this title.

SETTLEMENT AND ARBITRATION

SEC. 1347. (a) The Secretary is authorized to make final settlement of any claims or demands which may arise as a result of any financial transactions which he is authorized to carry out under this chapter, and may, to assist him in making any such settlement, refer any disputes relating to such claims or demands to arbitration, with the consent of the parties concerned.

(b) Such arbitration shall be advisory in nature, and any award, decision, or recommendation which may be made shall become final only upon the approval of the Secretary.

RECORDS AND AUDITS

SEC. 1348. (a) The flood insurance pool formed or otherwise created under part A of this chapter, and any insurance company or other private organization executing any contract, agreement, or other appropriate arrangement with the Secretary under part B of this chapter or this part, shall keep such records as the Secretary shall prescribe, including records which fully disclose the total costs of the program undertaken or the services being rendered, and such other records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the pool and any such insurance company or other private organization that are pertinent to the costs of the program undertaken or the services being rendered.

Ante, p. 582.

Ante, p. 584.

Access to records for audit.

CHAPTER III—COORDINATION OF FLOOD INSURANCE WITH LAND-MANAGEMENT PROGRAMS IN FLOOD-PRONE AREAS

IDENTIFICATION OF FLOOD-PRONE AREAS

SEC. 1360. The Secretary is authorized to consult with, receive information from, and enter into any agreements or other arrangements with the Secretaries of the Army, the Interior, Agriculture, and Commerce, the Tennessee Valley Authority, and the heads of other Federal departments or agencies, on a reimbursement basis, or with the head of any State or local agency, or enter into contracts with any persons or private firms, in order that he may—

Contract authority.

(1) identify and publish information with respect to all flood plain areas, including coastal areas located in the United States, which have special flood hazards, within five years following the date of the enactment of this Act, and

Publication of information.

(2) establish flood-risk zones in all such areas, and make estimates with respect to the rates of probable flood-caused loss for the various flood-risk zones for each of these areas, within fifteen years following such date.

Flood-risk zones.

CRITERIA FOR LAND MANAGEMENT AND USE

SEC. 1361. (a) The Secretary is authorized to carry out studies and investigations, utilizing to the maximum extent practicable the existing facilities and services of other Federal departments or agencies, and State and local governmental agencies, and any other organizations, with respect to the adequacy of State and local measures in flood-prone areas as to land management and use, flood control, flood zoning, and flood damage prevention, and may enter into any contracts, agreements, or other appropriate arrangements to carry out such authority.

(b) Such studies and investigations shall include, but not be limited to, laws, regulations, or ordinances relating to encroachments and obstructions on stream channels and floodways, the orderly development and use of flood plains of rivers or streams, floodway encroachment lines, and flood plain zoning, building codes, building permits, and subdivision or other building restrictions.

(c) On the basis of such studies and investigations, and such other information as he deems necessary, the Secretary shall from time to time develop comprehensive criteria designed to encourage, where necessary, the adoption of permanent State and local measures which, to the maximum extent feasible, will—

(1) constrict the development of land which is exposed to flood damage where appropriate,

(2) guide the development of proposed construction away from locations which are threatened by flood hazards,

(3) assist in reducing damage caused by floods, and

(4) otherwise improve the long-range land management and use of flood-prone areas,

and he shall work closely with and provide any necessary technical assistance to State, interstate, and local governmental agencies, to encourage the application of such criteria and the adoption and enforcement of such measures.

PURCHASE OF CERTAIN INSURED PROPERTIES

SEC. 1362. The Secretary may, when he determines that the public interest would be served thereby, enter into negotiations with any owner of real property or interest therein which—

(1) was located in any flood-risk area, as determined by the Secretary,

(2) was covered by flood insurance under the flood insurance program authorized under this title, and

(3) was damaged substantially beyond repair by flood while so covered,

and may purchase such property or interests therein, for subsequent transfer, by sale, lease, donation, or otherwise, to any State or local agency which enters into an agreement with the Secretary that such property shall, for a period not less than forty years following transfer, be used for only such purposes as the Secretary may, by regulation, determine to be consistent with sound land management and use in such area.

CHAPTER IV—APPROPRIATIONS AND MISCELLANEOUS PROVISIONS

DEFINITIONS

SEC. 1370. As used in this title—

(1) the term “flood” shall have such meaning as may be prescribed in regulations of the Secretary, and may include inundation from rising waters or from the overflow of streams, rivers, or other bodies of water, or from tidal surges, abnormally high tidal water, tidal waves, tsunamis, hurricanes, or other severe storms or deluge;

(2) the terms “United States” (when used in a geographic sense) and “State” includes the several States, the District of Columbia, the territories and possessions, the Commonwealth of Puerto Rico, and the Trust Territory of the Pacific Islands;

(3) the terms “insurance company”, “other insurer” and “insurance agent or broker” include any organizations and persons authorized to engage in the insurance business under the laws of any State;

(4) the term “insurance adjustment organization” includes any organizations and persons engaged in the business of adjusting loss claims arising under insurance policies issued by any insurance company or other insurer;

(5) the term “person” includes any individual or group of individuals, corporation, partnership, association, or any other organized group of persons, including State and local governments and agencies thereof; and

(6) the term “Secretary” means the Secretary of Housing and Urban Development.

STUDIES OF OTHER NATURAL DISASTERS

SEC. 1371. (a) The Secretary is authorized to undertake such studies as may be necessary for the purpose of determining the extent to which insurance protection against earthquakes or any other natural disaster perils, other than flood, is not available from public or private sources, and the feasibility of such insurance protection being made available.

(b) Studies under this section shall be carried out, to the maximum extent practicable, with the cooperation of other Federal departments and agencies and State and local agencies, and the Secretary is

authorized to consult with, receive information from, and enter into any necessary agreements or other arrangements with such other Federal departments and agencies (on a reimbursement basis) and such State and local agencies.

PAYMENTS

SEC. 1372. Any payments under this title may be made (after necessary adjustment on account of previously made underpayments or overpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Secretary may determine.

GOVERNMENT CORPORATION CONTROL ACT

SEC. 1373. The provisions of the Government Corporation Control Act shall apply to the program authorized under this title to the same extent as they apply to wholly owned Government corporations. 59 Stat. 597.
31 USC 841
note.

FINALITY OF CERTAIN FINANCIAL TRANSACTIONS

SEC. 1374. Notwithstanding the provisions of any other law—

- (1) any financial transaction authorized to be carried out under this title, and
 - (2) any payment authorized to be made or to be received in connection with any such financial transaction,
- shall be final and conclusive upon all officers of the Government.

ADMINISTRATIVE EXPENSES

SEC. 1375. Any administrative expenses which may be sustained by the Federal Government in carrying out the flood insurance program authorized under this title may be paid out of appropriated funds.

APPROPRIATIONS

SEC. 1376. (a) There are hereby authorized to be appropriated such sums as may from time to time be necessary to carry out this title, including sums—

- (1) to cover administrative expenses authorized under section 1375;
 - (2) to reimburse the National Flood Insurance Fund established under section 1310 for—
 - (A) premium equalization payments under section 1334 which have been made from such fund; and
 - (B) reinsurance claims paid under the excess loss reinsurance coverage provided under section 1335; and
 - (3) to make such other payments as may be necessary to carry out the purposes of this title.
- (b) All such funds shall be available without fiscal year limitation.

Ante, p. 577.

EFFECTIVE DATE

SEC. 1377. This title shall take effect one hundred and twenty days following the date of its enactment, except that the Secretary, on the basis of a finding that conditions exist necessitating the prescribing of an additional period, may prescribe a later effective date which in no event shall be more than one hundred and eighty days following such date of enactment.

TITLE XIV—INTERSTATE LAND SALES

SHORT TITLE

SEC. 1401. This title may be cited as the "Interstate Land Sales Full Disclosure Act".

DEFINITIONS

SEC. 1402. For the purposes of this title, the term—

(1) "Secretary" means the Secretary of Housing and Urban Development;

(2) "person" means an individual, or an unincorporated organization, partnership, association, corporation, trust, or estate;

(3) "subdivision" means any land which is divided or proposed to be divided into fifty or more lots, whether contiguous or not, for the purpose of sale or lease as part of a common promotional plan and where subdivided land is offered for sale or lease by a single developer, or a group of developers acting in concert, and such land is contiguous or is known, designated, or advertised as a common unit or by a common name such land shall be presumed, without regard to the number of lots covered by each individual offering, as being offered for sale or lease as part of a common promotional plan;

(4) "developer" means any person who, directly or indirectly, sells or leases, or offers to sell or lease, or advertises for sale or lease any lots in a subdivision;

(5) "agent" means any person who represents, or acts for or on behalf of, a developer in selling or leasing, or offering to sell or lease, any lot or lots in a subdivision; but shall not include an attorney at law whose representation of another person consists solely of rendering legal services;

(6) "blanket encumbrance" means a trust deed, mortgage, judgment, or any other lien or encumbrance, including an option or contract to sell or a trust agreement, affecting a subdivision or affecting more than one lot offered within a subdivision, except that such term shall not include any lien or other encumbrance arising as the result of the imposition of any tax assessment by any public authority;

(7) "interstate commerce" means trade or commerce among the several States;

(8) "State" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States;

(9) "purchaser" means an actual or prospective purchaser or lessee of any lot in a subdivision;

(10) "offer" includes any inducement, solicitation, or attempt to encourage a person to acquire a lot in a subdivision.

EXEMPTIONS

SEC. 1403. (a) Unless the method of disposition is adopted for the purpose of evasion of this title, the provisions of this title shall not apply to—

(1) the sale or lease of real estate not pursuant to a common promotional plan to offer or sell fifty or more lots in a subdivision;

(2) the sale or lease of lots in a subdivision, all of which are five acres or more in size;

(3) the sale or lease of any improved land on which there is a residential, commercial, or industrial building, or to the sale or

lease of land under a contract obligating the seller to erect such a building thereon within a period of two years;

(4) the sale or lease of real estate under or pursuant to court order;

(5) the sale of evidences of indebtedness secured by a mortgage or deed of trust on real estate;

(6) the sale of securities issued by a real estate investment trust;

(7) the sale or lease of real estate by any government or government agency;

(8) the sale or lease of cemetery lots;

(9) the sale or lease of lots to any person who acquires such lots for the purpose of engaging in the business of constructing residential, commercial, or industrial buildings or for the purpose of resale or lease of such lots to persons engaged in such business; or

(10) the sale or lease of real estate which is free and clear of all liens, encumbrances, and adverse claims if each and every purchaser or his or her spouse has personally inspected the lot which he purchased and if the developer executes a written affirmation to that effect to be made a matter of record in accordance with rules and regulations of the Secretary. As used in this subparagraph, the terms "liens," "encumbrances," and "adverse claims" are not intended to refer to property reservations which land developers commonly convey or dedicate to local bodies or public utilities for the purpose of bringing public services to the land being developed nor to taxes and assessments which, under applicable State or local law, constitute liens on the property before they are due and payable.

(b) The Secretary may from time to time, pursuant to rules and regulations issued by him, exempt from any of the provisions of this title any subdivision or any lots in a subdivision, if he finds that the enforcement of this title with respect to such subdivision or lots is not necessary in the public interest and for the protection of purchasers by reason of the small amount involved or the limited character of the public offering.

PROHIBITIONS RELATING TO THE SALE OR LEASE OF LOTS IN SUBDIVISIONS

SEC. 1404. (a) It shall be unlawful for any developer or agent, directly or indirectly, to make use of any means or instruments of transportation or communication in interstate commerce, or of the mails—

(1) to sell or lease any lot in any subdivision unless a statement of record with respect to such lot is in effect in accordance with section 1407 and a printed property report, meeting the requirements of section 1408, is furnished to the purchaser in advance of the signing of any contract or agreement for sale or lease by the purchaser; and

(2) in selling or leasing, or offering to sell or lease, any lot in a subdivision—

(A) to employ any device, scheme, or artifice to defraud, or

(B) to obtain money or property by means of a material misrepresentation with respect to any information included in the statement of record or the property report or with respect to any other information pertinent to the lot or the subdivision and upon which the purchaser relies, or

(C) to engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon a purchaser.

(b) Any contract or agreement for the purchase or leasing of a lot in a subdivision covered by this title, where the property report has not been given to the purchaser in advance or at the time of his signing, shall be voidable at the option of the purchaser. A purchaser may revoke such contract or agreement within forty-eight hours, where he has received the property report less than forty-eight hours before he signed the contract or agreement, and the contract or agreement shall so provide, except that the contract or agreement may stipulate that the foregoing revocation authority shall not apply in the case of a purchaser who (1) has received the property report and inspected the lot to be purchased or leased in advance of signing the contract or agreement, and (2) acknowledges by his signature that he has made such inspection and has read and understood such report.

REGISTRATION OF SUBDIVISIONS

Statement of
record.

SEC. 1405. (a) A subdivision may be registered by filing with the Secretary a statement of record, meeting the requirements of this title and such rules and regulations as may be prescribed by the Secretary in furtherance of the provisions of this title. A statement of record shall be deemed effective only as to the lots specified therein.

Fees.

(b) At the time of filing a statement of record, or any amendment thereto, the developer shall pay to the Secretary a fee, not in excess of \$1,000, in accordance with a schedule to be fixed by the regulations of the Secretary, which fees may be used by the Secretary to cover all or part of the cost of rendering services under this title, and such expenses as are paid from such fees shall be considered non-administrative.

(c) The filing with the Secretary of a statement of record, or of an amendment thereto, shall be deemed to have taken place upon the receipt thereof, accompanied by payment of the fee required by subsection (b).

Information,
availability to
public.

(d) The information contained in or filed with any statement of record shall be made available to the public under such regulations as the Secretary may prescribe and copies thereof shall be furnished to every applicant at such reasonable charge as the Secretary may prescribe.

INFORMATION REQUIRED IN STATEMENT OF RECORD

SEC. 1406. The statement of record shall contain the information and be accompanied by the documents specified hereinafter in this section—

(1) the name and address of each person having an interest in the lots in the subdivision to be covered by the statement of record and the extent of such interest;

(2) a legal description of, and a statement of the total area included in, the subdivision and a statement of the topography thereof, together with a map showing the division proposed and the dimensions of the lots to be covered by the statement of record and their relation to existing streets and roads;

(3) a statement of the condition of the title to the land comprising the subdivision, including all encumbrances and deed restrictions and covenants applicable thereto;

(4) a statement of the general terms and conditions, including the range of selling prices or rents at which it is proposed to dispose of the lots in the subdivision;

(5) a statement of the present condition of access to the subdivision, the availability of sewage disposal facilities and other public utilities (including water, electricity, gas, and telephone facilities) in the subdivision, the proximity in miles of the subdivision to nearby municipalities, and the nature of any improvements to be installed by the developer and his estimated schedule for completion;

(6) in the case of any subdivision or portion thereof against which there exists a blanket encumbrance, a statement of the consequences for an individual purchaser of a failure, by the person or persons bound, to fulfill obligations under the instrument or instruments creating such encumbrance and the steps, if any, taken to protect the purchaser in such eventuality;

(7) (A) copy of its articles of incorporation, with all amendments thereto, if the developer is a corporation; (B) copies of all instruments by which the trust is created or declared, if the developer is a trust; (C) copies of its articles of partnership or association and all other papers pertaining to its organization, if the developer is a partnership, unincorporated association, joint stock company, or any other form of organization; and (D) if the purported holder of legal title is a person other than developer, copies of the above documents for such person;

(8) copies of the deed or other instrument establishing title to the subdivision in the developer or other person and copies of any instrument creating a lien or encumbrance upon the title of developer or other person or copies of the opinion or opinions of counsel in respect to the title to the subdivision in the developer or other person or copies of the title insurance policy guaranteeing such title;

(9) copies of all forms of conveyance to be used in selling or leasing lots to purchasers;

(10) copies of instruments creating easements or other restrictions;

(11) such certified and uncertified financial statements of the developer as the Secretary may require; and

(12) such other information and such other documents and certifications as the Secretary may require as being reasonably necessary or appropriate for the protection of purchasers.

TAKING EFFECT OF STATEMENTS OF RECORD AND AMENDMENTS THERETO

SEC. 1407. (a) Except as hereinafter provided, the effective date of a statement of record, or any amendment thereto, shall be the thirtieth day after the filing thereof or such earlier date as the Secretary may determine, having due regard to the public interest and the protection of purchasers. If any amendment to any such statement is filed prior to the effective date of the statement, the statement shall be deemed to have been filed when such amendment was filed; except that such an amendment filed with the consent of the Secretary, or filed pursuant to an order of the Secretary, shall be treated as being filed as of the date of the filing of the statement of record. When a developer records additional lands to be offered for disposition, he may consolidate the subsequent statement of record with any earlier recording offering subdivided land for disposition under the same promotional plan. At the time of consolidation the developer shall include in the consolidated statement of record any material changes in the information contained in the earlier statement.

(b) If it appears to the Secretary that a statement of record, or any amendment thereto, is on its face incomplete or inaccurate in any material respect, the Secretary shall so advise the developer within a

reasonable time after the filing of the statement or the amendment, but prior to the date the statement or amendment would otherwise be effective. Such notification shall serve to suspend the effective date of the statement or the amendment until thirty days after the developer files such additional information as the Secretary shall require. Any developer, upon receipt of such notice, may request a hearing, and such hearing shall be held within twenty days of receipt of such request by the Secretary.

(c) If, at any time subsequent to the effective date of a statement of record, a change shall occur affecting any material fact required to be contained in the statement, the developer shall promptly file an amendment thereto. Upon receipt of any such amendment, the Secretary may, if he determines such action to be necessary or appropriate in the public interest or for the protection of purchasers, suspend the statement of record until the amendment becomes effective.

(d) If it appears to the Secretary at any time that a statement of record, which is in effect, includes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statements therein not misleading, the Secretary may, after notice, and after opportunity for hearing (at a time fixed by the Secretary) within fifteen days after such notice, issue an order suspending the statement of record. When such statement has been amended in accordance with such order, the Secretary shall so declare and thereupon the order shall cease to be effective.

Access to records, etc.

(e) The Secretary is hereby empowered to make an examination in any case to determine whether an order should issue under subsection

(d). In making such examination, the Secretary or anyone designated by him shall have access to and may demand the production of any books and papers of, and may administer oaths and affirmations to and examine, the developer, any agents, or any other person, in respect of any matter relevant to the examination. If the developer or any agents shall fail to cooperate, or shall obstruct or refuse to permit the making of an examination, such conduct shall be proper ground for the issuance of an order suspending the statement of record.

(f) Any notice required under this section shall be sent to or served on the developer or his authorized agent.

INFORMATION REQUIRED IN PROPERTY REPORT

SEC. 1408. (a) A property report relating to the lots in a subdivision shall contain such of the information contained in the statement of record, and any amendments thereto, as the Secretary may deem necessary, but need not include the documents referred to in paragraphs (7) to (11), inclusive, of section 1406. A property report shall also contain such other information as the Secretary may by rules or regulations require as being necessary or appropriate in the public interest or for the protection of purchasers.

(b) The property report shall not be used for any promotional purposes before the statement of record becomes effective and then only if it is used in its entirety. No person may advertise or represent that the Secretary approves or recommends the subdivision or the sale or lease of lots therein. No portion of the property report shall be underscored, italicized, or printed in larger or bolder type than the balance of the statement unless the Secretary requires or permits it.

COOPERATION WITH STATE AUTHORITIES

SEC. 1409. (a) In administering this title, the Secretary shall cooperate with State authorities charged with the responsibility of regulating the sale of lots in subdivisions which are also subject to this title and may accept for filing under section 1405 and declare effective

as a statement of record, if he finds such action to be appropriate in the public interest or for the protection of purchasers, material filed with and found acceptable by such authorities.

(b) Nothing in this title shall affect the jurisdiction of the real estate commission (or any agency or office performing like functions) of any State over any subdivision or any person.

CIVIL LIABILITIES

SEC. 1410. (a) Where any part of the statement of record, when such part became effective, contained an untrue statement of a material fact or omitted to state a material fact required to be stated therein, any person acquiring a lot in the subdivision covered by such statement of record from the developer or his agent during such period the statement remained uncorrected (unless it is proved that at the time of such acquisition he knew of such untruth or omission) may, either at law or in equity, in any court of competent jurisdiction, sue the developer.

(b) Any developer or agent, who sells or leases a lot in a subdivision—

(1) in violation of section 1404, or

(2) by means of a property report which contained an untrue statement of a material fact or omitted to state a material fact required to be stated therein, may be sued by the purchaser of such lot.

(c) The suit authorized under subsection (a) or (b) may be to recover such damages as shall represent the difference between the amount paid for the lot and the reasonable cost of any improvements thereto, and the lesser of (1) the value thereof as of the time such suit was brought, or (2) the price at which such lot shall have been disposed of in a bona fide market transaction before suit, or (3) the price at which such lot shall have been disposed of after suit in a bona fide market transaction but before judgment.

(d) Every person who becomes liable to make any payment under this section may recover contribution as in cases of contract from any person who, if sued separately, would have been liable to make the same payment.

(e) In no case shall the amount recoverable under this section exceed the sum of the purchase price of the lot, the reasonable cost of improvements, and reasonable court costs.

COURT REVIEW OF ORDERS

SEC. 1411. (a) Any person, aggrieved by an order or determination of the Secretary issued after a hearing, may obtain a review of such order or determination in the court of appeals of the United States, within any circuit wherein such person resides or has his principal place of business, or in the United States Court of Appeals for the District of Columbia, by filing in such court, within sixty days after the entry of such order or determination, a written petition praying that the order or determination of the Secretary be modified or be set aside in whole or in part. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Secretary, and thereupon the Secretary shall file in the court the record upon which the order or determination complained of was entered, as provided in section 2112 of title 28, United States Code. No objection to an order or determination of the Secretary shall be considered by the court unless such objection shall have been urged before the Secretary. The finding of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive. If either party shall apply to the court for leave

Findings,
modification.

62 Stat. 928.

to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence in the hearing before the Secretary, the court may order such additional evidence to be taken before the Secretary and to be adduced upon a hearing in such manner and upon such terms and conditions as to the court may seem proper. The Secretary may modify his findings as to the facts by reason of the additional evidence so taken, and shall file such modified or new findings, which, if supported by substantial evidence, shall be conclusive, and his recommendation, if any, for the modification or setting aside of the original order. Upon the filing of such petition, the jurisdiction of the court shall be exclusive and its judgment and decree, affirming, modifying, or setting aside, in whole or in part, any order of the Secretary, shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(b) The commencement of proceedings under subsection (a) shall not, unless specifically ordered by the court, operate as a stay of the Secretary's order.

LIMITATION OF ACTIONS

SEC. 1412. No action shall be maintained to enforce any liability created under section 1410(a) or (b)(2) unless brought within one year after the discovery of the untrue statement or the omission, or after such discovery should have been made by the exercise of reasonable diligence, or, if the action is to enforce a liability created under section 1401(b)(1), unless brought within two years after the violation upon which it is based. In no event shall any such action be brought by a purchaser more than three years after the sale or lease to such purchaser.

CONTRARY STIPULATIONS VOID

SEC. 1413. Any condition, stipulation, or provision binding any person acquiring any lot in a subdivision to waive compliance with any provision of this title or of the rules and regulations of the Secretary shall be void.

ADDITIONAL REMEDIES

SEC. 1414. The rights and remedies provided by this title shall be in addition to any and all other rights and remedies that may exist at law or in equity.

INVESTIGATIONS, INJUNCTIONS, AND PROSECUTION OF OFFENSES

SEC. 1415. (a) Whenever it shall appear to the Secretary that any person is engaged or about to engage in any acts or practices which constitute or will constitute a violation of the provisions of this title, or of any rule or regulation prescribed pursuant thereto, he may, in his discretion, bring an action in any district court of the United States, or the United States District Court for the District of Columbia to enjoin such acts or practices, and, upon a proper showing, a permanent or temporary injunction or restraining order shall be granted without bond. The Secretary may transmit such evidence as may be available concerning such acts or practices to the Attorney General who may, in his discretion, institute the appropriate criminal proceedings under this title.

(b) The Secretary may, in his discretion, make such investigations as he deems necessary to determine whether any person has violated or is about to violate any provision of this title or any rule or regulation prescribed pursuant thereto, and may require or permit any

Investigation
authority.

person to file with him a statement in writing, under oath or otherwise as the Secretary shall determine, as to all the facts and circumstances concerning the matter to be investigated. The Secretary is authorized, in his discretion, to publish information concerning any such violations, and to investigate any facts, conditions, practices, or matters which he may deem necessary or proper to aid in the enforcement of the provisions of this title, in the prescribing of rules and regulations thereunder, or in securing information to serve as a basis for recommending further legislation concerning the matters to which this title relates.

Publication of
information.

(c) For the purpose of any such investigation, or any other proceeding under this title, the Secretary, or any officer designated by him, is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memorandums, or other records which the Secretary deems relevant or material to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States or any State at any designated place of hearing.

Subpena power.

(d) In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, correspondence, memorandums, and other records and documents. And such court may issue an order requiring such person to appear before the Secretary or any officer designated by the Secretary, there to produce records, if so ordered, or to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found.

Witnesses,
court order.

(e) No person shall be excused from attending and testifying or from producing books, papers, correspondence, memorandums, and other records and documents before the Secretary, or in obedience to the subpoena of the Secretary or any officer designated by him, or in any cause or proceeding instituted by the Secretary, on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

ADMINISTRATION

SEC. 1416. (a) The authority and responsibility for administering this title shall be in the Secretary of Housing and Urban Development who may delegate any of his functions, duties, and powers to employees of the Department of Housing and Urban Development or to boards of such employees, including functions, duties, and powers with respect to investigating, hearing, determining, ordering, or otherwise acting as to any work, business, or matter under this title. The persons to whom such delegations are made with respect to hearing functions, duties, and powers shall be appointed and shall serve in the

80 Stat. 415-
528.

Records of
hearings.

60 Stat. 237.
5 USC 551
et seq.

Department in compliance with sections 3105, 3344, 5362, and 7521 of title 5 of the United States Code. The Secretary shall by rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the Department, to boards of officers or to himself, as shall be appropriate and in accordance with law.

(b) All hearings shall be public and appropriate records thereof shall be kept, and any order issued after such hearing shall be based on the record made in such hearing which shall be conducted in accordance with the provisions of the Administrative Procedure Act.

UNLAWFUL REPRESENTATIONS

SEC. 1417. The fact that a statement of record with respect to a subdivision has been filed or is in effect shall not be deemed a finding by the Secretary that the statement of record is true and accurate on its face, or be held to mean the Secretary has in any way passed upon the merits of, or given approval to, such subdivision. It shall be unlawful to make, or cause to be made, to any prospective purchaser any representation contrary to the foregoing.

PENALTIES

SEC. 1418. Any person who willfully violates any of the provisions of this title or the rules and regulations prescribed pursuant thereto, or any person who willfully, in a statement of record filed under, or in a property report issued pursuant to, this title, makes any untrue statement of a material fact or omits to state any material fact required to be stated therein, shall upon conviction be fined not more than \$5,000 or imprisoned not more than five years, or both.

RULES, REGULATIONS, AND ORDERS

SEC. 1419. The Secretary shall have authority from time to time to make, issue, amend, and rescind such rules and regulations and such orders as are necessary or appropriate to the exercise of the functions and powers conferred upon him elsewhere in this title. For the purpose of his rules and regulations, the Secretary may classify persons and matters within his jurisdiction and prescribe different requirements for different classes of persons or matters.

JURISDICTION OF OFFENSES AND SUITS

SEC. 1420. (a) The district courts of the United States, the United States courts of any territory, and the United States District Court for the District of Columbia shall have jurisdiction of offenses and violations under this title and under the rules and regulations prescribed by the Secretary pursuant thereto, and concurrent with State courts, of all suits in equity and actions at law brought to enforce any liability or duty created by this title. Any such suit or action may be brought to enforce any liability or duty created by this title. Any such suit or action may be brought in the district wherein the defendant is found or is an inhabitant or transacts business, or in the district where the offer or sale took place, if the defendant participated therein, and process in such cases may be served in any other district of which the defendant is an inhabitant or wherever the defendant may be found. Judgments and decrees so rendered shall be subject to review as provided in sections 1254 and 1291 of title 28, United States Code. No case arising under this title and brought in any State court of competent jurisdiction shall be removed to any court of the United States, except where the United States or any officer or employee of the United

62 Stat. 928,
929.

States in his official capacity is a party. No costs shall be assessed for or against the Secretary in any proceeding under this title brought by or against him in the Supreme Court or such other courts.

APPROPRIATIONS

SEC. 1421. There are authorized to be appropriated such sums as may be necessary to carry out this title.

EFFECTIVE DATE

SEC. 1422. This title shall take effect upon the expiration of two hundred and seventy days after the date of its enactment.

TITLE XV—MORTGAGE INSURANCE FOR NONPROFIT HOSPITALS

AMENDMENT TO NATIONAL HOUSING ACT

SEC. 1501. Title II of the National Housing Act is amended by adding at the end thereof (after the new section added by section 307 of this Act) the following new section: 12 USC 1707-1715y.

“MORTGAGE INSURANCE FOR NONPROFIT HOSPITALS

“SEC. 242. (a) The purpose of this section is to assist the provision of urgently needed hospitals for the care and treatment of persons who are acutely ill or who otherwise require medical care and related services of the kind customarily furnished only (or most effectively) by hospitals.

“(b) For the purposes of this section—

“(1) the term ‘hospital’ means a facility—

“(A) which provides community service for inpatient medical care of the sick or injured (including obstetrical care);

“(B) not more than 50 per centum of the total patient days of which during any year are customarily assignable to the categories of chronic convalescent and rest, drug and alcoholic, epileptic, mentally deficient, mental, nervous and mental, and tuberculosis; and

“(C) which is owned and operated by one or more non-profit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual; and

“(2) the terms ‘mortgage’ and ‘mortgagor’ shall have the meanings respectfully set forth in section 207(a) of this Act.

“(c) The Secretary is authorized to insure any mortgage (including advances on such mortgage during construction) in accordance with the provisions of this section upon such terms and conditions as he may prescribe and to make commitments for insurance of such mortgage prior to the date of its execution or disbursement thereon.

“(d) In order to carry out the purpose of this section, the Secretary is authorized to insure any mortgage which covers a new or rehabilitated hospital, including equipment to be used in its operation, subject to the following conditions:

“(1) The mortgage shall be executed by a mortgagor approved by the Secretary. The Secretary may in his discretion require any such mortgagor to be regulated or restricted as to charges and methods of financing, and, in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate of return. As an aid to the regulation or restriction of any mortgagor with respect to any of the fore-

going matters, the Secretary may make such contracts with and acquire for not to exceed \$100 such stock or interest in such mortgagor as he may deem necessary. Any stock or interest so purchased shall be paid for out of the General Insurance Fund, and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Secretary under the insurance.

"(2) The mortgage shall involve a principal obligation in an amount not to exceed \$25,000,000, and not to exceed 90 per centum of the estimated replacement cost of the property or project, including equipment to be used in the operation of the hospital, when the proposed improvements are completed and the equipment is installed.

"(3) The mortgage shall—

"(A) provide for complete amortization by periodic payments within such term as the Secretary shall prescribe, and

"(B) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum (not in excess of 6 per centum), on the amount of the principal obligation outstanding at any time, as the Secretary finds necessary to meet the mortgage market.

"(4) The Secretary shall not insure any mortgage under this section unless he has received, from the State agency designated in accordance with section 604(a)(1) of the Public Health Service Act for the State in which is located the hospital covered by the mortgage, a certification that (A) there is a need for such hospital, and (B) there are in force in such State or the political subdivision of the State in which the proposed hospital would be located reasonable minimum standards of licensure and methods of operation for hospitals. No such mortgage shall be insured under this section unless the Secretary has received such assurance as he may deem satisfactory from the State agency that such standards will be applied and enforced with respect to any hospital located in the State for which mortgage insurance is provided under this section.

"(e) The Secretary may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as he may prescribe.

"(f) The activities and functions provided for in this section shall be carried out by the agencies involved so as to encourage programs that undertake responsibility to provide comprehensive health care, including outpatient and preventive care, as well as hospitalization, to a defined population.

"(g) (1) Notwithstanding any of the other provisions of this title, the Secretary may insure under this section a mortgage which provides permanent financing or refinancing of existing mortgage indebtedness in the case of a hospital whose permanent financing is presently lacking, if the construction of such hospital was completed between January 1, 1966, and the date of the enactment of this Act.

"(2) The aggregate principal balance of all mortgages insured under paragraph (1) and outstanding at any one time shall not exceed \$20,000,000.

"(h) The provisions of subsections (d), (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 shall apply to mortgages insured under this section and all references therein to section 207 shall be deemed to refer to this section."

LABOR STANDARDS

SEC. 1502. Section 212(a) of the National Housing Act is amended by inserting after the fifth sentence the following new sentence: "The provisions of this section shall also apply to the insurance of any mortgage under section 242, except that compliance with such provisions

78 Stat. 452.
42 USC 291d.

12 USC 1713.

12 USC 1715c.

may be waived by the Secretary in cases or classes of cases where laborers or mechanics, not otherwise employed at any time on the project, voluntarily donate their services without compensation for the purpose of lowering the costs of construction and the Secretary determines that any amounts thereby saved are fully credited to the nonprofit corporation or association undertaking the construction; and each laborer or mechanic employed on any facility covered by a mortgage insured under section 242 shall receive compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in any workweek in excess of eight hours in any workday or forty hours in the workweek, as the case may be."

Ante, p. 599.

TITLE XVI—HOUSING GOALS AND ANNUAL HOUSING REPORT

REAFFIRMATION OF GOAL

SEC. 1601. The Congress finds that the supply of the Nation's housing is not increasing rapidly enough to meet the national housing goal, established in the Housing Act of 1949, of the "realization as soon as feasible of the goal of a decent home and a suitable living environment for every American family". The Congress reaffirms this national housing goal and determines that it can be substantially achieved within the next decade by the construction or rehabilitation of twenty-six million housing units, six million of these for low and moderate income families.

63 Stat. 413.
42 USC 1441
note.

REPORT OUTLINING PLAN

SEC. 1602. Not later than January 15, 1969, the President shall make a report to the Congress setting forth a plan, to be carried out over a period of ten years (June 30, 1968, to June 30, 1978), for the elimination of all substandard housing and the realization of the goal referred to in section 1601. Such plan shall—

Report to Con-
gress.
Contents.

(1) indicate the number of new or rehabilitated housing units which it is anticipated will have to be provided, with or without Government assistance, during each fiscal year of the ten-year period, in order to achieve the objectives of the plan, showing the number of such units which it is anticipated will have to be provided under each of the various Federal programs designed to assist in the provision of housing;

(2) indicate the reduction in the number of occupied substandard housing units which it is anticipated will have to occur during each fiscal year of the ten-year period in order to achieve the objectives of the plan;

(3) provide an estimate of the cost of carrying out the plan for each of the various Federal programs and for each fiscal year during the ten-year period to the extent that such costs will be reflected in the Federal budget;

(4) make recommendations with respect to the legislative and administrative actions necessary or desirable to achieve the objectives of the plan; and

(5) provide such other pertinent data, estimates, and recommendations as the President deems advisable.

Such report shall, in addition, contain a projection of the residential mortgage market needs and prospects during the coming year, including an estimate of the requirements with respect to the availability, need, and flow of mortgage funds (particularly in declining urban and rural areas) during such year, together with such recommendations as may be deemed appropriate for encouraging the availability of such funds.

PERIODIC REPORTS

Report to
Congress.
Contents.

SEC. 1603. On January 15, 1970, and on each succeeding year through 1979, the President shall submit to the Congress a report which shall—

(1) compare the results achieved during the preceding fiscal year for the completion of new or rehabilitating housing units and the reduction in occupied substandard housing with the objectives established for such year under the plan;

(2) if the comparison provided under clause (1) shows a failure to achieve the objectives set for such year, indicate (A) the reasons for such failure; (B) the steps being taken to achieve the objectives of the plan during each of the remaining fiscal years of the ten-year period; and (C) any necessary revision in the objectives established under the plan for each such year;

(3) project residential mortgage market needs and prospects for the coming calendar year including an estimate of the requirements with respect to the availability, need, and flow of mortgage funds (particularly in declining urban and rural areas) during such period, in order to achieve the objectives of the plan;

(4) provide an analysis of the monetary and fiscal policies of the Government for the coming calendar year required to achieve the objectives of the plan and the impact upon the domestic economy of achieving the plan's objectives for such period;

(5) make recommendations with respect to any additional legislative or administrative action which is necessary or desirable to achieve the objectives of the plan; and

(6) provide such other pertinent data, estimates, and recommendations as the President deems advisable.

COMMISSION ON MORTGAGE INTEREST RATES

SEC. 1604. Funds appropriated and available for studies of housing markets and credit as authorized by section 301 of the Housing Act of 1948 and section 602(a) of the Housing Act of 1956 shall be available for expenses of the Commission established by section 4(b) of Public Law 90-301, including the report required to be rendered by such Commission.

63 Stat. 431;
70 Stat. 1113.
12 USC 1701e
1701d-3.
Ante, p. 114.

TITLE XVII—MISCELLANEOUS

MODEL CITIES

SEC. 1701. (a) Section 111(a) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended—

(1) by striking out "and" the third time it appears; and

(2) by inserting before the period at the end thereof "and not to exceed \$12,000,000 for the fiscal year ending June 30, 1969".

(b) Section 111(b) of such Act is amended—

(1) by striking out "and" the third time it appears; and

(2) by inserting before the period at the end thereof "and not to exceed \$1,000,000,000 for the fiscal year ending June 30, 1970".

(c) Section 111(c) of such Act is amended to read as follows:

"(c) Any amounts appropriated under this section shall remain available until expended, and any amounts authorized for any fiscal year under this section but not appropriated may be appropriated for any succeeding fiscal year commencing prior to July 1, 1970."

80 Stat. 1260.
42 USC 3311.

URBAN RENEWAL DEMONSTRATION GRANT PROGRAM

SEC. 1702. (a) Section 314(a) of the Housing Act of 1954 is amended—

68 Stat. 629;
78 Stat. 792.
42 USC 1452a.

(1) by striking out in the first sentence “to public bodies, including cities and other political subdivision,” and inserting in lieu thereof “to public bodies (including cities and other political subdivisions) and nonprofit organizations,”;

(2) by inserting after the first sentence the following: “In the case of any such grant to a nonprofit organization, the Secretary shall require that the assisted activities and undertakings are not inconsistent with the program of the local public agency.”; and

(3) by striking out in the second sentence “No such grant shall exceed two-thirds of the cost, as determined or estimated by said Secretary, of such activities or undertakings,” and inserting in lieu thereof the following: “No such grant shall exceed 90 per centum of the cost, as determined or estimated by the Secretary, of the assisted activities or undertakings,”.

(b) Section 314(c) of such Act is amended by striking out “\$10,000,000” and inserting in lieu thereof “\$20,000,000”.

AUTHORIZATION FOR URBAN INFORMATION AND TECHNICAL ASSISTANCE SERVICES PROGRAM

SEC. 1703. (a) The first sentence of section 906 of the Demonstration Cities and Metropolitan Development Act of 1966 is amended by striking out “and not to exceed \$5,000,000 for the fiscal year ending June 30, 1968” and inserting in lieu thereof “not to exceed \$5,000,000 for each of the fiscal years 1968 and 1969, and not to exceed \$15,000,000 for fiscal year 1970”.

80 Stat. 1284.
42 USC 3356.

(b) The second sentence of section 906 of such Act is amended to read as follows: “Any amounts appropriated under this section shall remain available until expended, and any amounts authorized for any fiscal year under this section but not appropriated may be appropriated for any succeeding fiscal year commencing prior to July 1, 1970.”

ADVANCES IN TECHNOLOGY IN HOUSING AND URBAN DEVELOPMENT

SEC. 1704. (a) Section 1010(d) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended by inserting before the period at the end of the first sentence the following: “, and not to exceed such sums for subsequent fiscal years as may be necessary”.

42 USC 3372.

(b) Section 1010(c) of such Act is amended by striking out “two years” in the second sentence and inserting in lieu thereof “four years”.

(c) Section 1010(a) of such Act is amended—

(1) by striking out “and” at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof “; and”; and

(3) by adding after paragraph (2) a new paragraph as follows:

“(3) require, to the greatest extent feasible, the employment of new and improved technology, techniques, materials, and methods in housing construction, rehabilitation, and maintenance under programs administered by the Department of Housing and Urban Development with a view to reducing the cost of such construction, rehabilitation, and maintenance, and stimulating the increased and sustained production of housing under such programs.”

COLLEGE HOUSING

SEC. 1705. (a) The heading of section 401 of the Housing Act of 1950 is amended by striking out "LOANS" and inserting in lieu thereof "ASSISTANCE IN THE FORM OF LOANS OR ANNUAL GRANTS".

(b) Section 401(a) of such Act is amended to read as follows:

"(a) To assist educational institutions in providing housing and other educational facilities for students and faculties, the Secretary may make loans of funds to such institutions for the construction or purchase of such facilities or may, as an alternative to all or part of the loan (in the case of any such institution), make annual grants to the institution to reduce the cost of its borrowing from other sources for such construction or purchase: *Provided*, That no such assistance shall be provided unless (1) the educational institution involved is unable to secure the necessary funds for the construction or purchase from other sources upon terms and conditions equally as favorable as the terms and conditions applicable to loans under this title, and (2) the Secretary finds that any such construction will be undertaken in an economical manner, and that any such facilities are not or will not be of elaborate or extravagant design or materials."

(c) Section 401(c) of such Act is amended—

(1) by inserting "(1)" after "(c)";

(2) by striking out "of (1)" and "or (2)" and inserting in lieu thereof "of (A)" and "or (B)", respectively; and

(3) by adding at the end thereof the following new paragraph:

"(2) Annual grants to an educational institution with respect to any housing or other educational facilities shall be made over a fixed period not exceeding 40 years, and provision for such grants shall be embodied in a contract guaranteeing their payment over such period. Each such grant shall be in an amount equal to the difference between (A) the average annual debt service which would be required to be paid, during the life of the loan, on the amount borrowed from other sources for the construction or purchase of such facilities, and (B) the average annual debt service which the institution would have been required to pay, during the life of the loan, with respect to such amount if the applicable interest rate were the rate specified in paragraph (1): *Provided*, That the amount on which such grant is based shall be approved by the Secretary but in no event shall exceed the total development cost of the facilities."

(d) Section 401(d) of such Act is amended by inserting "(1)" after "(d)", and by adding at the end thereof the following new paragraph:

"(2) There are hereby authorized to be appropriated to the Secretary such sums as may be necessary, together with loan principal and interest payments made by educational institutions assisted with loans made hereunder, for payments on notes or other obligations issued by the Secretary under this section."

(e) Section 401(f) of such Act is amended to read as follows:

"(f) (1) There are hereby authorized to be appropriated to the Secretary such sums as may be necessary for the payment of annual grants to educational institutions in accordance with this section.

"(2) Contracts for annual grants under this section shall not be entered into in an aggregate amount greater than is authorized in appropriation Acts; and in any event the total amount of annual grants which may be paid to educational institutions in any year pursuant to contracts entered into under this section shall not exceed \$10,000,000, which amount shall be increased by \$10,000,000 on July 1, 1969."

(f) Section 403 of such Act is amended by striking out "the funds provided for in this title in the form of loans" and inserting in lieu thereof "the amount of the funds provided for in this title in the form

64 Stat. 77.
12 USC 1749.

69 Stat. 644.

73 Stat. 681.

69 Stat. 645.

64 Stat. 80;
75 Stat. 173.
12 USC 1749b.

of loans, and not more than 12½ per centum of the funds provided for in this title for grants.”

(g) (1) Section 401(g) of such Act is amended to read as follows:

73 Stat. 682.
12 USC 1749.

“(g) Except as otherwise provided in the second paragraph of section 404(b), in the case of any loan which is made under this section to a nonprofit student housing cooperative corporation referred to in clause (5) of section 404(b), or which is obtained from other sources by such a corporation and is the subject of a contract for annual grants entered into under this section, the Secretary shall require that the note securing such loan be cosigned by the educational institution (referred to in clause (1) of such section) at which such corporation is located, and that, in the event of the dissolution of such corporation, title to the housing constructed with such loan will vest in such educational institution.”

71 Stat. 304;
75 Stat. 173.
12 USC 1749c.
73 Stat. 682.

(2) Section 404(a) of such Act is amended by inserting “or existing” immediately after “new”.

71 Stat. 304.

(3) Clause (3) (B) of section 404(b) of such Act is amended by striking out “of any loan secured under this title” and inserting in lieu thereof the following: “of any loan which is made under section 401, or is the subject of a contract for annual grants entered into under section 401.”

(4) Clause (4) of section 404(b) of such Act is amended by striking out “to obtain loans” and inserting in lieu thereof “to obtain loans or grants”.

(5) The second paragraph of section 404(b) of such Act is amended by inserting after “clause (5) of this subsection,” the following: “and in the case of any loan which is obtained from other sources by such a corporation and is the subject of a contract for annual grants entered into under section 401.”

(6) Section 404(c) of such Act is amended by inserting before the period at the end thereof the following: “; except that in the case of the purchase of facilities such term means the cost as approved by the Secretary”.

(7) Section 404(h) of such Act is amended by inserting “or existing” immediately after “new”.

(h) The last sentence of paragraph “Seventh” of section 5136 of the Revised Statutes (12 U.S.C. 24) (appearing immediately before the sentence added by section 911 of this Act) is amended by inserting after “the Asian Development Bank” the following: “, or obligations issued by any State or political subdivision or any agency of a State or political subdivision for housing, university, or dormitory purposes”.

HOUSING FOR THE ELDERLY

SEC. 1706. Section 202(a) of the Housing Act of 1959 is amended—

73 Stat. 667.
12 USC 1701q.

(1) by inserting in paragraph (1) after “corporations,” the following: “limited profit sponsors,”;

(2) by inserting in paragraph (2) after “(as defined in subsection (d)(2)),” the following: “to any limited profit sponsor approved by the Secretary,”; and

75 Stat. 162.

(3) by inserting in paragraph (3) after “Secretary” the following: “, except that in the case of other than a corporation, consumer cooperative, or public body or agency the amount of the loan shall not exceed 90 per centum of the development cost”.

FEDERAL-STATE TRAINING PROGRAMS

SEC. 1707. (a) Title VIII of the Housing Act of 1964 is amended—

78 Stat. 802.
20 USC 801-811.

(1) by inserting after “urban centers,” in section 801(b) the following: “and with business firms and associations, labor unions, and other interested associations and organizations”; and

78 Stat. 802.
20 USC 801,
802.

(2) by striking out "technical and professional people" in sections 801(b)(1) and 802(a)(1) and inserting in lieu thereof "technical, professional, and other persons with the capacity to master and employ such skills"; and

(3) by inserting after "which has responsibility for community development" in sections 801(b)(1) and 802(a)(1) the following: ", or by a private nonprofit organization which is conducting or has responsibility for housing and community development programs".

20 USC 805.

(b) Section 805 of such Act is amended by inserting "Guam, American Samoa, the Trust Territory of the Pacific Islands," after "the Commonwealth of Puerto Rico,".

ADDITIONAL ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT

Ante, p. 89;
79 Stat. 668.
42 USC 3533.
81 Stat. 198.

SEC. 1708. (a) The first sentence of section 4(a) of the Department of Housing and Urban Development Act is amended by striking out "five" and inserting in lieu thereof "six".

(b) Paragraph (87) of section 5315 of title 5, United States Code, is amended by striking out "(4)" and inserting in lieu thereof "(6)".

INTERNATIONAL HOUSING

71 Stat. 305;
81 Stat. 24.
12 USC 1701d-4.

SEC. 1709. Section 604 of the Housing Act of 1957 is amended to read as follows:

SEC. 604. (a) The Secretary of Housing and Urban Development may exchange data relating to housing and urban planning and development with other nations and assemble such data from other nations, through participation in international conferences and other means, where such exchange or assembly is deemed by him to be beneficial in carrying out his responsibilities under the Department of Housing and Urban Development Act or other legislation. In carrying out his responsibilities under this subsection the Secretary may—

"(1) pay the expenses of participation in activities conducted under authority of this section including, but not limited to, the compensation, travel expenses, and per diem in lieu of subsistence of persons serving in an advisory capacity while away from their homes or regular places of business in connection with attendance at international meetings and conferences, or other travel for the purpose of exchange or assembly of data relating to housing and urban planning and development; but such travel expenses shall not exceed those authorized for regular officers and employees traveling in connection with said activities; and

"(2) accept from international organizations, foreign countries, and private nonprofit foundations, funds, services, facilities, materials, and other donations to be utilized jointly in carrying out activities under this section.

"(b) International programs and activities carried out by the Secretary under the authority provided in subsection (a) shall be subject to the approval of the Secretary of State for the purpose of assuring that such authority shall be exercised in a manner consistent with the foreign policy of the United States."

ELIGIBILITY FOR RENT SUPPLEMENT PAYMENTS

Rehabilitation
projects.
New York.
75 Stat. 150.
12 USC 1715l.

SEC. 1710. Notwithstanding any other provision of law respecting the date after which a mortgage must have been approved for mortgage insurance under section 221(d)(3) of the National Housing Act, the Secretary of Housing and Urban Development is authorized to make, and contract to make, rent supplement payments under the pro-

visions of section 101 of the Housing and Urban Development Act of 1965 to the owners of the housing projects known as the 114th Street rehabilitation project and the 114th Street rehabilitation project numbered 2, in New York City, New York (project numbers 012-33501 and 012-33512).

79 Stat. 451.
12 USC 1701s.

CONSOLIDATION OF LOW-RENT PUBLIC HOUSING PROJECTS IN THE
DISTRICT OF COLUMBIA

SEC. 1711. All projects now operated and maintained by the National Capital Housing Authority pursuant to title I of the District of Columbia Alley Dwelling Act are deemed to be low-rent housing projects and may be consolidated, pursuant to section 15(6) of the United States Housing Act of 1937, into any contract for annual contributions covering projects maintained and operated pursuant to title II of the District of Columbia Alley Dwelling Act.

48 Stat. 930.
D.C. Code 5-103
to 5-111.
63 Stat. 427;
75 Stat. 165.
42 USC 1415.
52 Stat. 1188.
D.C. Code 5-112
to 5-116.

URBAN RENEWAL PROJECT IN GARDEN CITY, MICHIGAN

SEC. 1712. Notwithstanding the date of commencement of construction of the Florence Primary School in Garden City, Michigan, local expenditures made in connection with such school shall, to the extent otherwise eligible, be counted as a local grant-in-aid toward the Cherry Hill urban renewal project (Mich. R-46) for purposes of title I of the Housing Act of 1949.

42 USC 1450-
1468.

URBAN RENEWAL PROJECT IN SACRAMENTO, CALIFORNIA

SEC. 1713. Notwithstanding the date of commencement of construction of the storm drainage system in the Capitol Mall Riverfront urban renewal project (Calif. R-67) in Sacramento, California, local expenditures made in connection with such storm drainage system located in that project shall, to the extent otherwise eligible, be counted as a local grant-in-aid toward that project for purposes of title I of the Housing Act of 1949.

SELF-HELP STUDIES

SEC. 1714. (a) Section 207 of the Housing Act of 1961 is amended by inserting after the words "improved means" the following: ", including the study of self-help in the construction, rehabilitation, and maintenance of housing for low-income persons and families and the methods of selecting, involving, and directing such persons and families in self-help activities,".

75 Stat. 165;
79 Stat. 503.
42 USC 1436.

(b) The Secretary of Housing and Urban Development shall make a report to the Congress, within one year after the date of enactment of this Act, setting forth the results of the self-help studies and demonstrations carried out under section 207 of the Housing Act of 1961, together with such recommendations as he deems appropriate.

Report to Con-
gress.

EARTHQUAKE STUDY

SEC. 1715. Section 5 of the Southeast Hurricane Disaster Relief Act of 1965 is amended by striking out "three years after the appropriation of funds for this study" and inserting in lieu thereof "June 30, 1969".

79 Stat. 1301.

SAVINGS AND LOAN ASSOCIATIONS

48 Stat. 132.
12 USC 1464.

SEC. 1716. (a) Section 5(b) of the Home Owners' Loan Act of 1933 is amended to read as follows:

"(b) (1) An association may raise capital in the form of such savings deposits, shares, or other accounts, for fixed, minimum, or indefinite periods of time (all of which are referred to in this section as savings accounts and all of which shall have the same priority upon liquidation) as are authorized by its charter or by regulations of the Board, and may issue such passbooks, time certificates of deposit, or other evidence of savings accounts as are so authorized. Holders of savings accounts and obligors of an association shall, to such extent as may be provided by its charter or by regulations of the Board, be members of the association, and shall have such voting rights and such other rights as are thereby provided. Except as may be otherwise authorized by the association's charter or regulation of the Board in the case of savings accounts for fixed or minimum terms of not less than thirty days, the payment of any savings account shall be subject to the right of the association to require such advance notice, not less than thirty days, as shall be provided for by the charter of the association or the regulations of the Board. The payment of withdrawals from savings accounts in the event an association does not pay all withdrawals in full (subject to the right of the association to require notice) shall be subject to such rules and procedures as may be prescribed by the association's charter or by regulation of the Board, but any association which, except as authorized in writing by the Board, fails to make full payment of any withdrawal when due shall be deemed to be in an unsafe or unsound condition to transact business within the meaning of subsection (d) of this section. Savings accounts shall not be subject to check or to withdrawal or transfer on negotiable or transferable order or authorization to the association, but the Board may by regulation provide for withdrawal or transfer of savings accounts upon nontransferable order or authorization.

"(2) To such extent as the Board may authorize by regulation or advice in writing, an association may borrow, may give security, and may issue such notes, bonds, debentures, or other obligations, or other securities (except capital stock) as the Board may so authorize."

(b) Section 5(c) of the Home Owners' Loan Act of 1933 is amended—

(1) by striking out "shares" in the first sentence and inserting in lieu thereof "savings accounts"; and

(2) by inserting after the first semicolon in the second proviso the following words: "or in time deposits, certificates, or accounts of any bank the deposits of which are insured by the Federal Deposit Insurance Corporation";

(c) Section 5(c) of such Act is amended by inserting in the second paragraph after "property alteration, repair, or improvement" the following: "including the construction of new structures related to residential use of the property".

(d) Section 5(c) of such Act is amended by adding immediately after the second paragraph thereof the following new paragraph:

"Without regard to any other provision of this subsection, but subject to such prohibitions, limitations, and conditions as the Board may by regulation prescribe, any such association may make and invest in—

"(A) any loan not exceeding \$5,000 made for the repair, equipping, alteration, or improvement of any real property, or

"(B) any loan made for the purpose of mobile home financing."

(e) The first sentence of the paragraph which, prior to the amendments made by this Act, was the next to the last paragraph of section 5(c) of such Act is amended—

- (1) by inserting "(1)" immediately before "invest";
- (2) by striking out "(1)" before "secured";
- (3) by inserting ", now or hereafter in effect," after "National Housing Act"; and

(4) by striking out all that follows "(2)" and inserting in lieu thereof the following: "acquire and hold investments in housing project loans, or interests therein, having the benefit of any guaranty under section 221 of the Foreign Assistance Act of 1961, as now or hereafter in effect, or loans, or interests therein, having the benefit of any guaranty under section 224 of such Act, or any commitment or agreement with respect to such loans, or interests therein, made pursuant to either of such sections."

79 Stat. 465.
12 USC 1464.

75 Stat. 429.
22 USC 2181.

79 Stat. 655.
22 USC 2184.

12 USC 1464.

(f) Section 5(c) of such Act is amended by adding immediately before the last paragraph thereof the following new paragraph:

"Any such association may invest in loans, or interests in loans, to financial institutions with respect to which the United States or any agency or instrumentality thereof has any function of examination or supervision, or to any broker or dealer registered with the Securities and Exchange Commission, secured by loans, obligations, or investments in which it has any statutory authority to invest directly."

FEDERAL HOME LOAN BANK ACT

SEC. 1717. Section 12 of the Federal Home Loan Bank Act, as amended (12 U.S.C. 1432), is amended by inserting "(a)" after "SEC. 12.", and by adding at the end thereof a new subsection as follows:

47 Stat. 735;
80 Stat. 1293.

"(b) Subject to such regulations as may be prescribed by the Board, one or more Federal home loans banks may acquire, hold, or dispose of, in whole or in part, or facilitate such acquisition, holding, or disposition by members of any such bank of, housing project loans, or interests therein, having the benefit of any guaranty under section 221 of the Foreign Assistance Act of 1961, as now or hereafter in effect, or loans, or interests therein, having the benefit of any guaranty under section 224 of such Act, or any commitment or agreement with respect to such loans, or interests therein, made pursuant to either of such sections."

FEDERAL RESERVE ACT

SEC. 1718. Section 24 of the Federal Reserve Act, as amended (12 U.S.C. 371), is amended—

73 Stat. 489;
79 Stat. 509.

(1) by striking out "twenty-four months", wherever it appears in the third paragraph and inserting in lieu thereof "thirty-six months";

(2) by striking out "when the entire amount of such obligation is sold to the association", wherever it appears in the first and second paragraphs, and inserting in lieu thereof "in whole or in part and at any time or times prior to the maturity of such obligation"; and

(3) by striking out the last paragraph and inserting in lieu thereof the following:

"Loans made to any borrower (i) where the association looks for repayment by relying primarily on the borrower's general credit standing and forecast of income, with or without other security, or (ii) where the association relies on other security as collateral for the loans (including but not limited to a guaranty of a third party), and where, in either case described in clause (i) or (ii) above, the association wishes to take a mortgage, deed of trust, or other instrument upon real estate (whether or not constituting a first lien) as a precaution

against contingencies, such loans shall not be considered as real estate loans within the meaning of this section but shall be classed as ordinary non-real-estate loans."

LOW-RENT PUBLIC HOUSING—CORPORATE STATUS

81 Stat. 20.
42 USC 1403.

Repeal.
50 Stat. 897.
42 USC 1417.

SEC. 1719. (a) The first sentence of section 3 of the United States Housing Act of 1937 is amended by striking "a body corporate of perpetual duration to be known as".

(b) Section 17 of such Act is repealed. The capital stock referred to in such section shall be retired, and sum of \$1,000,000 represented by such stock shall be returned to the Treasury of the United States.

(c) Such Act is amended by adding a new section 17 as follows:

"SEC. 17. In the performance of, and with respect to, functions, powers, and duties under this Act, the Secretary shall have (in addition to any authority otherwise vested in him) the functions, powers, and duties set forth in subsections (a), (b), and (e) of section 402 of the Housing Act of 1950."

64 Stat. 78;
73 Stat. 681.
12 USC 1749a.
59 Stat. 597.
31 USC 846.

(d) Section 101 of the Government Corporation Control Act is amended by striking out "United States Housing Authority and including public housing projects financed through appropriated funds and operations thereof";

SPECIAL STUDIES OF SAVINGS AND LOAN INDUSTRY

80 Stat. 143.

SEC. 1720. That part of chapter IV of the Second Supplemental Appropriation Act, 1966, which relates to expenses necessary for special studies of the savings and loan industry is amended by striking out "1968" and inserting "1969".

SMALL BUSINESS ACT

72 Stat. 384.
15 USC 633.

SEC. 1721. Subsection (a) of section 4 of the Small Business Act is amended by inserting immediately after "the Commonwealth of Puerto Rico," the following: "the Trust Territory of the Pacific Islands,".

TECHNICAL AMENDMENTS

70 Stat. 1097;
79 Stat. 477.
42 USC 1460.

SEC. 1722. (a) Section 110(c) of the Housing Act of 1949 is amended by striking out "paragraphs (7), (8), and (9)" in the second unnumbered paragraph following the numbered paragraphs and inserting in lieu thereof "paragraphs (7), (8), (9), and (10)".

68 Stat. 626.

(b) Section 110(d) of the Housing Act of 1949 is amended by striking out "clauses (2), (3)" and inserting in lieu thereof "clauses (2), (3), (7)".

(c) Section 110(e) of the Housing Act of 1949 is amended by striking out "and (9)" in clause (i) and inserting in lieu thereof "(9), and (10)".

80 Stat. 1274.
12 USC 1749aaa.

(d) Section 1101(c)(3) of the National Housing Act is amended by inserting "from the beginning of amortization of the mortgage" immediately after "twenty-five years".

79 Stat. 469.
12 USC 1715e.

(e) Section 213(o) of the National Housing Act is amended by adding at the end thereof four new sentences as follows: "Moneys in the Cooperative Management Housing Insurance Fund not needed for current operations of the fund shall be deposited with the Treasurer of the United States to the credit of the Cooperative Management Housing Insurance Fund or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Secretary may, with the

approval of the Secretary of the Treasury, purchase in the open market debentures which are the obligations of the Cooperative Management Housing Insurance Fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this subsection. Debentures so purchased shall be canceled and not reissued."

(f) Section 810(e) of the National Housing Act is amended—

73 Stat. 684.
12 USC 1748h-2.

(1) by striking out "private corporation, association, cooperative society, or trust" in the first sentence and inserting in lieu thereof "mortgagor approved by the Secretary", and

(2) by striking out "corporation, association, cooperative society, or trust" in the third and fourth sentences and inserting in lieu thereof "mortgagor".

(g) Section 220(d)(2)(B) of the National Housing Act is amended by striking out "corporations restricted by" and inserting in lieu thereof "corporations or other legal entities restricted by or under".

68 Stat. 596.
12 USC 1715k.

Approved August 1, 1968, 11:52 a.m.

Public Law 90-449

AN ACT

August 2, 1968
[H. R. 15387]

To amend title 39, United States Code, to provide for disciplinary action against employees in the postal field service who assault other employees in such service in the performance of official duties, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the portion of chapter 41 of title 39, United States Code, under the heading "EMPLOYEES GENERALLY" is amended by adding immediately following section 3107 thereof the following new section:

Postal Service
employees.
74 Stat. 608;
79 Stat. 1116.

"§ 3108. Disciplinary action against employees who assault other employees"

"The Postmaster General may take appropriate disciplinary action, including, when circumstances warrant, suspension from duty without pay, reduction in pay, demotion, or removal from the service, against any employee who forcibly assaults any other employee while such other employee is engaged in the performance of his official duties or on account of the performance by such other employee of his official duties."

(b) That part of the table of contents of chapter 41 of title 39, United States Code, under the heading "EMPLOYEES GENERALLY" is amended by adding—

"3108. Disciplinary action against employees who assault other employees." immediately below—

"3107. Postal employees relocation expenses."

SEC. 2. Section 1114 of title 18, United States Code, is amended by striking out "any post-office inspector," and inserting in lieu thereof "any postal inspector, any postmaster, officer, or employee in the field service of the Post Office Department."

65 Stat. 721.

SEC. 3. Effective on the date of enactment of this Act—

(1) the provisions of section 201 of the Revenue and Expenditure Control Act of 1968 shall cease to apply with respect to officers and employees of the Bureau of Research and Engineering of the Post Office Department, and officers and employees in the postal field service except those in regional offices; and

Bureau of Research and Engineering, limitations, exemption.
Ante, p. 270.

(2) in applying the provisions of such section to the departments and agencies in the executive branch, the officers and employees of the Bureau of Research and Engineering of the Post Office Department and the officers and employees in the postal field service, except those in regional offices, shall not be taken into account.

Approved August 2, 1968.

Public Law 90-450

AN ACT

August 2, 1968
[H. R. 16361]

To provide additional revenue for the District of Columbia, and for other purposes.

D.C. Revenue
Act of 1968.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "District of Columbia Revenue Act of 1968".

TITLE I—FEDERAL PAYMENT AUTHORIZATION

81 Stat. 339.

SEC. 101. Section 1 of article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, sec. 47-2501a) is amended (1) by striking out "June 30, 1968" and inserting in lieu thereof "June 30, 1969", and (2) by striking out "\$70,000,000" and inserting in lieu thereof "\$90,000,000".

TITLE II—AMENDMENTS TO THE DISTRICT OF COLUMBIA INCOME AND FRANCHISE TAX ACT OF 1947

80 Stat. 858.

SEC. 201. Section 3 of title VI of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, sec. 47-1567b(a)) is amended to read as follows:

"SEC. 3. IMPOSITION AND RATES OF TAX.—In the case of a taxable year beginning after December 31, 1967, there is hereby imposed on the taxable income of every resident a tax determined in accordance with the following table:

"If the taxable income is:	The tax is:
Not over \$1,000-----	2% of the taxable income.
Over \$1,000 but not over \$3,000-----	\$20 plus 3% of excess over \$1,000.
Over \$3,000 but not over \$5,000-----	\$80 plus 4% of excess over \$3,000.
Over \$5,000 but not over \$10,000-----	\$160 plus 5% of excess over \$5,000.
Over \$10,000-----	\$410 plus 6% of excess over \$10,000."

61 Stat. 345.

SEC. 202. (a) Section 2 of title VII of such Act (D.C. Code, sec. 47-1571a) is amended by striking out "5 per centum" and inserting in lieu thereof "6 per centum".

(b) Section 3 of title VIII of such Act (D.C. Code, sec. 47-1574b) is amended by striking out "5 per centum" and inserting in lieu thereof "6 per centum".

70 Stat. 71.

SEC. 203. (a) Section 7(a)(4) of title XII of such Act (D.C. Code, sec. 47-1586f(a)(4)) is amended to read as follows:

"(4) EMPLOYERS.—Every employer required to deduct and withhold tax under this article shall make a return of, and pay to the District, the tax required to be withheld under this article for such periods and at such times as the District of Columbia Council may prescribe."

70 Stat. 79.

(b) Section 1(b) of title XIII of such Act (D.C. Code, sec. 47-1589(b)) is amended to read as follows:

"(b) FAILURE TO FILE EMPLOYER'S RETURN.—In the case of any employer—

"(1) who pursuant to this article is required to withhold taxes on wages, make a return of such taxes, and pay to the District the

taxes required to be withheld pursuant to this article, and

“(2) who fails to withhold such taxes, make such return, or pay to the District the taxes required to be withheld pursuant to this article,

there shall be imposed on such employer a civil penalty (in addition to any criminal penalty provided for in this article) of 5 per centum of the amount required to be shown as tax on such return if the failure is for not more than one month, with an additional 5 per centum for each additional month or fraction thereof during which such failure continues, not exceeding 25 per centum in the aggregate.”

Civil penalty.

SEC. 204. (a) The amendment of any provision of the District of Columbia Income and Franchise Tax Act of 1947 shall not affect any act done or any right accruing or accrued, or any suit or proceeding had or commenced in any civil cause before such amendment; but all rights and liabilities under such Act shall continue, and may be enforced in the same manner and to the same extent, as if such amendment had not been made.

61 Stat. 328.
D.C. Code 47-1551 note.

(b) All offenses committed, and all penalties incurred, under any provision of law hereby amended, may be prosecuted and punished in the same manner and with the same effect as if this title had not been enacted.

SEC. 205. The amendments made by sections 201 and 202 of this title shall be applicable to taxable years beginning after December 31, 1967. The amendments made by section 203 of this title shall take effect on the date of enactment of this Act.

Effective dates.

TITLE III—AMENDMENTS TO THE DISTRICT OF COLUMBIA SALES TAX ACT AND THE DISTRICT OF COLUMBIA USE TAX ACT

SEC. 301. Section 107 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47-2601, par. 7) is amended by striking out “: *Provided, however,* That the word ‘food’ shall not include spiritous or malt liquors and beer” and inserting after the period at the end of such section the following new sentence: “The word ‘food’ shall not include spiritous or malt liquors, beer, or wines.”

Sales tax.
“Food.”
68 Stat. 117.

SEC. 302. Subsection (a) of section 114 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47-2601, par 14(a)) is amended by adding at the end thereof the following new paragraph:

“Retail sale”;
“sale at retail.”
63 Stat. 113.

“(7)(A) The sale of or charges to subscribers for local telephone service. The inclusion of such sales and charges in the definition of the terms ‘retail sale’ and ‘sale at retail’ shall not authorize any tax to be imposed under this title on so much of any amount paid for the installation of any instrument, wire, pole, switchboard, apparatus, or equipment as is properly attributable to such installation.

“(B) The term ‘local telephone service’ means—

“Local telephone service.”

“(i) the access to a local telephone system, and the privilege of telephonic quality communication with substantially all persons having telephone or radio telephone stations constituting a part of such local telephone system, and

“(ii) any facility or service provided in connection with a service described in clause (i) of this subparagraph.

The term ‘local telephone service’ does not include any service which is a ‘toll telephone service’ or a ‘private communication service’ as defined in subparagraphs (C) and (D).

“(C) The term ‘toll telephone service’ means—

“Toll telephone service.”

“(i) a telephonic quality communication for which (a) there is a toll charge which varies in amount with the distance and elapsed

transmission time of each individual communication and (b) the charge is paid within the United States, and

“(ii) a service which entitles the subscriber, upon payment of a periodic charge (determined as a flat amount or upon the basis of total elapsed transmission time), to the privilege of an unlimited number of telephonic communications to or from all or a substantial portion of the persons having telephone or radio telephone stations in a specified area which is outside the local telephone system area in which the station provided with this service is located.

“Private communication service.”

“(D) The term ‘private communication service’ means—

“(i) the communication service furnished to a subscriber which entitles the subscriber—

“(a) to exclusive or priority use of any communication channel or groups of channels, or

“(b) to the use of an intercommunication system for the subscriber’s stations, regardless of whether such channel, groups of channels, or intercommunication system may be connected through switching with a service described in subparagraph (B) or (C),

“(ii) switching capacity, extension lines and stations, or other associated services which are provided in connection with, and are necessary or unique to the use of, channels, or systems described in clause (i) of this subparagraph, and

“(iii) the channel mileage which connects a telephone station located outside a local telephone system area with a central office in such local telephone system,

except that such term does not include any communication service unless a separate charge is made for such service.”

Exemptions.
63 Stat. 114.

SEC. 303. Section 114(b) (2) of the District of Columbia Sales Tax Act (D.C. Code, sec. 47-2601, par. 14(b) (2)) is amended to read as follows:

“(2) (A) Sales of transportation and communication services other than sales of local telephone service.

“(B) Sales of local telephone service rendered by means of a coin-operated telephone available to the public; except that where such coin-operated telephone service is furnished for a guaranteed amount, the amounts paid under such guarantee plus any fixed monthly or other periodic charge shall be subject to the tax imposed on local telephone service by this title.”

Rates.

SEC. 304. Section 125 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47-2602) is amended to read as follows:

“SEC. 125. A tax is imposed upon all vendors for the privilege of selling at retail certain tangible personal property and for the privilege of selling certain selected services (defined as ‘sales at retail’ in this title). The rate of such tax shall be 4 per centum of the vendor’s gross receipts from the sale of such tangible personal property and services, except that the rate of tax with respect to sales or charges for any room or rooms, lodgings, or accommodations, furnished to transients by any hotel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients, shall be 5 per centum of the gross receipts from such sales or charges, and the rate of tax with respect to sales of food for human consumption off the premises where such food is sold shall be 1 per centum of the gross receipts from such sales.”

Exemptions.

SEC. 305. (a) Section 128 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47-2605) is amended—

(1) by adding after paragraph (c) the following new paragraph:

“(d) Sales of materials and services to the printing clerks of the

majority and minority rooms of the House of Representatives for use in the operation of such rooms, and sales of materials and services made by such clerks in connection with the operation of such rooms.”;

(2) by amending paragraph (i) to read as follows:

“(i) Sales of food, beverages, and other goods made to any person for use in the operation of the majority and minority cloakrooms of the House of Representatives and sales of such food, beverages, and other goods made by such person in connection with the operation of such cloakrooms.”; and

(3) by redesignating paragraph (r) as paragraph (q).

(b) Paragraph (d) of such section 128, added by paragraph (1) of subsection (a) of this section, shall apply with respect to sales of materials and services made on or after January 1, 1961.

SEC. 306. Section 201(b)(2) of the District of Columbia Use Tax Act (D.C. Code, sec. 47-2701, par. 1(b)(2)) is amended to read as follows:

“(2) Sales of transportation and communication services other than sales of local telephone service.”

SEC. 307. The last sentence of section 212 of the District of Columbia Use Tax Act (D.C. Code, sec. 47-2702) is amended to read as follows: “The rate of the tax imposed by this section shall be 4 per centum of the sales price of the tangible personal property or services rendered or sold, except that the rate of tax with respect to sales of food for human consumption off the premises where such food is sold shall be 1 per centum of the sales price of such sales.”

SEC. 308. Except as provided in section 305(b), the amendments made by this title shall take effect on the first day of the first month which begins on or after the thirtieth day after the date of enactment of this Act. The imposition of sales tax on local telephone service shall be applicable to the sales price or charge made by a vendor for local telephone service as stated on the bills rendered to the purchaser by the vendor on and after such effective date.

71 Stat. 276;
80 Stat. 856.
D.C. Code 47-
2605.
Effective date.
Use tax.
“Retail sale,”
exemption.
63 Stat. 125.

Rate.

Effective date.

TITLE IV—GENERAL PROVISIONS

SEC. 401. No funds appropriated for the government of the District of Columbia may be used—

(1) to provide transportation for students enrolled in the public schools of the District of Columbia if the transportation is provided solely to change the racial balance in any public school in the District of Columbia, or

(2) for the cost of education (including the cost of transportation) of any individual in an elementary or secondary school located outside the District of Columbia, except (A) any handicapped individual for whom education facilities do not exist in the public school system of the District of Columbia and (B) any individual under the care, custody, or guardianship of the District of Columbia placed in a foster home or in an institution located outside the District of Columbia.

SEC. 402. No funds appropriated for the government of the District of Columbia may be used to furnish materials or services to promote or further any demonstration in the District of Columbia undertaken for the purpose of influencing legislation or other governmental actions of the United States Government or the government of the District of Columbia, except that nothing in this section shall preclude the government of the District of Columbia from taking such emergency action as the Commissioner of the District of Columbia determines necessary for the preservation of the health, safety, or welfare of any person within the District of Columbia.

D.C. Council.
Licensing
authority.
48 Stat. 322.

SEC. 403. The first sentence of the second paragraph of section 7 of the District of Columbia Alcoholic Beverage Control Act (D.C. Code, sec. 25-107) is amended to read as follows: "The District of Columbia Council shall have authority to make rules and regulations for the issuance, transfer, and revocation of licenses; to facilitate and insure the collection of taxes; to govern the operation of the business of licensees, with full power and authority to prescribe the terms and conditions under which alcoholic beverages may be sold by each class of licensees; to forbid the issuance of licenses for manufacture, sale, or storage of alcoholic beverages in such localities in, and such sections and portions of, the District of Columbia as the Council may deem proper in the public interest; to limit the number of licenses of each class to be issued in the District of Columbia and to limit the number of licenses of each class in any locality in, or sections or portions of, the District of Columbia as the Council may deem proper in the public interest; to forbid the issuance of licenses for businesses conducted on such premises as the Council, in the public interest, may deem inappropriate; to forbid the issuance of any class or classes of licenses for businesses established subsequent to the date of enactment of this Act near or around schools, colleges, universities, churches, or public institutions; to prescribe the hours during which alcoholic beverages may be sold; and to prohibit the sale of any or all alcoholic beverages on such days as the Council determines necessary in the public interest."

License appli-
cants, citizen-
ship.
48 Stat. 328.

SEC. 404. Section 14(a) of the District of Columbia Alcoholic Beverage Control Act (D.C. Code, sec. 25-115(a)) is amended—

(1) by striking out in paragraph 2 "a citizen of the United States,";

(2) by adding immediately after paragraph 2 the following new paragraph:

"3. That (A) each individual, each member of a partnership, and each principal officer of a corporation (other than a club) is a citizen of the United States, and (B) a majority of the principal officers of a club are citizens of the United States."; and

(3) by redesignating paragraphs 3, 4, and 5 and all references thereto, as paragraphs 4, 5, and 6, respectively.

Approved August 2, 1968.

Public Law 90-451

August 3, 1968
[S. 2445]

AN ACT

To amend part I of the Federal Power Act to clarify the manner in which the licensing authority of the Commission and the right of the United States to take over a project or projects upon or after the expiration of any license shall be exercised.

Federal Power
Commission.
Licensing
authority.
49 Stat. 842.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Federal Power Act, as amended (16 U.S.C. 800), is amended by adding thereto the following new subsection:

"(c) Whenever, after notice and opportunity for hearing, the Commission determines that the United States should exercise its right upon or after the expiration of any license to take over any project or projects for public purposes, the Commission shall not issue a new license to the original licensee or to a new licensee but shall submit its recommendation to Congress together with such information as it may consider appropriate."

SEC. 2. Section 14 of the Federal Power Act, as amended (16 U.S.C. 807), is amended by inserting "(a)" immediately preceding the first sentence thereof and by adding thereto the following new subsection:

"(b) No earlier than five years before the expiration of any license, the Commission shall entertain applications for a new license and decide them in a relicensing proceeding pursuant to the provisions of section 15. In any relicensing proceeding before the Commission any Federal department or agency may timely recommend, pursuant to such rules as the Commission shall prescribe, that the United States exercise its right to take over any project or projects. Thereafter, the Commission, if it does not itself recommend such action pursuant to the provisions of section 7(c) of this part, shall upon motion of such department or agency stay the effective date of any order issuing a license, except an order issuing an annual license in accordance with the proviso of section 15(a), for two years after the date of issuance of such order, after which period the stay shall terminate, unless terminated earlier upon motion of the department or agency requesting the stay or by action of Congress. The Commission shall notify the Congress of any stay granted pursuant to this subsection."

Government
take-over right.

Notice to
Congress.

SEC. 3. Section 15 of the Federal Power Act, as amended (16 U.S.C. 808), is amended by inserting "(a)" immediately preceding the first sentence thereof and by adding thereto the following new subsection:

41 Stat. 1072.

"(b) In issuing any licenses under this section except an annual license, the Commission, on its own motion or upon application of any licensee, person, State, municipality, or State commission, after notice to each State commission and licensee affected, and after opportunity for hearing, whenever it finds that in conformity with a comprehensive plan for improving or developing a waterway or waterways for beneficial public uses all or part of any licensed project should no longer be used or adapted for use for power purposes, may license all or part of the project works for nonpower use. A license for nonpower use shall be issued to a new licensee only on the condition that the new licensee shall, before taking possession of the facilities encompassed thereunder, pay such amount and assume such contracts as the United States is required to do, in the manner specified in section 14 hereof. Any license for nonpower use shall be a temporary license. Whenever, in the judgment of the Commission, a State, municipality, interstate agency, or another Federal agency is authorized and willing to assume regulatory supervision of the lands and facilities included under the nonpower license and does so, the Commission shall thereupon terminate the license. Consistent with the provisions of the Act of August 15, 1953 (67 Stat. 587), every licensee for nonpower use shall keep such accounts and file such annual and other periodic or special reports concerning the removal, alteration, nonpower use, or other disposition of any project works or parts thereof covered by the nonpower use license as the Commission may by rules and regulations or order prescribe as necessary or appropriate."

Nonpower use
licenses.

Recordkeeping
and reports.
16 USC 828-
828c.

SEC. 4. Section 10(d) of the Federal Power Act, as amended (16 U.S.C. 803), is amended by adding at the end thereof the following: "For any new license issued under section 15, the amortization reserves under this subsection shall be maintained on and after the effective date of such new license."

Amortization
reserves.

16 USC 808.

Approved August 3, 1968.

Public Law 90-452

August 3, 1968
[H. R. 14330]

AN ACT

To provide a comprehensive program for the control of drunkenness and the prevention and treatment of alcoholism in the District of Columbia, and for other purposes.

District of
Columbia Alco-
holic Rehabilita-
tion Act of 1967.

67 Stat. 104.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "District of Columbia Alcoholic Rehabilitation Act of 1967".

SEC. 2. (a) Section 28 of the District of Columbia Alcoholic Beverage Control Act (D.C. Code, sec. 25-128) is amended—

(1) by amending the second sentence of subsection (a) to read as follows: "No person in the District of Columbia, whether in or on public or private property, shall be intoxicated and endanger the safety of himself or of any other person or of property.";

(2) by striking out "this section" in subsection (b) and inserting in lieu thereof "subsection (a) of this section"; and

(3) by adding after subsection (b) the following new subsection:

"(c) Any person in the District of Columbia who is intoxicated in public and who is not conducting himself in such manner as to endanger the safety of himself or of any other person or of property, shall be dealt with in accordance with section 4 of the Act of August 4, 1947 (as amended by the District of Columbia Alcoholic Rehabilitation Act of 1967)."

(b) Section 400 of the Revised Statutes of the United States relating to the District of Columbia (D.C. Code, sec. 4-143) is amended by adding at the end thereof the following new sentence: "A member of the police force who deals with an individual in accordance with section 4(b) of the Act of August 4, 1947 (as amended by the District of Columbia Alcoholic Rehabilitation Act of 1967) shall not be considered as having violated this section."

61 Stat. 744.

SEC. 3. (a) The Act of August 4, 1947 (D.C. Code, secs. 24-501—24-514, 25-111a) is amended by striking out sections 1 through 13 and inserting in lieu thereof the following:

"SECTION 1. The purpose of this Act is to establish a comprehensive program in the District of Columbia for the prevention of alcoholism and the rehabilitation of alcoholics, discourage abuse of alcoholic beverages, and provide for medical, psychiatric, and other scientific treatment of chronic alcoholics; to minimize the deleterious effects of excessive drinking; to reduce the financial burden imposed upon the people of the District of Columbia by the abusive use of alcoholic beverages, as is reflected in accidents, inefficiency of personnel, and absenteeism; and to establish methods of handling intoxication and alcoholism that will benefit the individual involved and more fully protect the public. In order to accomplish this purpose and alleviate intoxication and chronic alcoholism, all public officials in the District of Columbia shall take cognizance of the fact that public intoxication shall be handled as a public health problem rather than as a criminal offense, and that a chronic alcoholic is a sick person who needs, is entitled to, and shall be provided appropriate medical, psychiatric, institutional, advisory, and rehabilitative treatment services of the highest caliber for his illness.

Definitions.

"SEC. 2. For purposes of this Act—

"(1) The term 'chronic alcoholic' means any person who chronically and habitually uses alcoholic beverages to the extent that (A) they injure his health or interfere with his social or economic functioning,

or (B) he has lost the power of self-control with respect to the use of such beverages.

"(2) The term 'Court' means the District of Columbia Court of General Sessions.

"(3) The term 'Commissioner' means the Commissioner of the District of Columbia.

"SEC. 3. (a) The Commissioner shall establish and maintain an effective public health program in the District of Columbia to provide a continuum of appropriate services to intoxicated persons and chronic alcoholics. Such program shall coordinate all District of Columbia services for intoxicated persons and chronic alcoholics and shall include at least the following facilities which shall be available to both males and females:

"(1) One or more detoxification centers, which shall be located within the District of Columbia, which shall have a total capacity of not more than 150 beds, and which shall provide appropriate medical services for intoxicated persons, including initial examination, diagnosis, and classification.

"(2) An inpatient extended care facility which shall have a capacity of not more than 800 beds and which shall provide intensive study, treatment, and rehabilitation of chronic alcoholics. Such facility shall not admit intoxicated persons.

"(3) Outpatient aftercare facilities which may include clinics, social centers, vocational rehabilitation services, and supportive residential facilities and which shall have a total capacity of not more than 600 beds.

"(b) The Commissioner may—

"(1) establish or designate an agency of the District of Columbia government, and

"(2) designate any officer or employee of the District of Columbia government,

to carry out any of his functions, powers, and duties under this Act.

"SEC. 4. (a) Except as otherwise provided in subsection (b) of this section, any person who is intoxicated in public—

"(1) may be taken or sent to his home or to a public or private health facility, or

"(2) if not taken or sent to his home or such facility under paragraph (1), shall be taken to a detoxification center,

by the commissioner. Reasonable measures may be taken to ascertain that public transportation used for such purposes shall be paid for by such person in advance. Any intoxicated person may voluntarily come to a detoxification center for medical attention. The medical officer in charge of a detoxification center shall have the authority to determine whether a person shall be admitted to such center as a patient, or whether he should be referred to another health facility. The medical officer in charge of such center shall have the authority to require any person admitted as a patient under this subsection to remain at such center until he is sober and no longer incapacitated, but in any event no longer than 72 hours after his admission as a patient. If the medical officer concludes that such person should receive treatment at a different facility, he shall arrange for such treatment and for transportation to that facility. A detoxification center may provide medical services to a person who is not admitted as a patient. A patient in a detoxification center shall be encouraged to consent to an intensive diagnosis for alcoholism and to treatment at the inpatient and outpatient facilities authorized in section 3(a) of this Act.

"(b) (1) Any person who is taken into custody for violating section 28 of the District of Columbia Alcoholic Beverage Control Act (D.C. Code, sec. 25-128) shall be brought to a detoxification center where he shall either be admitted as a patient or transported by the Commis-

sioner to another appropriate medical facility for treatment. The police officer who took such person into custody for violating such section shall leave a violation notice for such person with the medical officer in charge of the detoxification center. After such person is sober and no longer incapacitated, the medical officer in charge of the detoxification center shall detain him as long as is reasonably necessary to conduct a diagnosis for alcoholism. If such person is diagnosed as a chronic alcoholic the medical officer shall, after a review of such person's record, recommend to the Corporation Counsel whether a criminal charge should be filed against such person for violating such section in order to institute civil commitment proceedings under section 7 of this Act. If such a criminal charge is not filed, no entry relating to such person's arrest for violating such section shall be made on any arrest or other criminal record. If the Corporation Counsel concludes that a criminal charge should be filed, the medical officer in charge of the detoxification center shall deliver to such person the violation notice that had been left with him. If such person is not diagnosed as a chronic alcoholic the medical officer in charge of the detoxification center shall deliver to him the violation notice that had been left with the medical officer and such person shall, after he is released by the center, be handled as in any other criminal case.

"(2) Any person who is taken into custody in the District of Columbia for violating any criminal provision applicable in the District of Columbia (other than such section 28) and who appears to be intoxicated may be taken by the police to a detoxification center where he may be admitted as a patient for an immediate medical evaluation of his condition. As soon as it is determined that he is not in medical danger he shall be handled by the police as in any other criminal case. If his health is in danger, he may be detained either at the detoxification center or at some other appropriate medical facility until the danger has passed, and he shall then be handled as in any other criminal case. Such security conditions shall be maintained as are commensurate with the seriousness of the offense. In appropriate cases where there is no danger to the safety of any person, the police may leave with the medical officer in charge of the detoxification center a violation notice which shall be delivered to such person when he is released from the detoxification center.

Records.

"(c) The registration and other records of a detoxification center shall remain confidential, and may be disclosed only to medical personnel for purposes of diagnosis, treatment, and court testimony, to police personnel for purposes of investigation of criminal offenses and complaints against police action, and to authorized personnel for purposes of presentence reports.

"(d) The Commissioner shall promptly develop, in cooperation with the police, procedures for taking or sending an intoxicated person to a detoxification center, his residence, or a public or private health facility if no criminal charge is brought against such person.

"SEC. 5. (a) Any person may voluntarily request admission to the inpatient center authorized in section 3(a) of this Act, and no person committed under section 7 of this Act shall take precedence for purposes of admission over a person who voluntarily requests admission unless the person so committed is found by the Court to endanger the public safety. The medical officer in charge of the inpatient center is authorized to determine who shall be admitted as a patient. A complete medical, social, occupational, and family history shall be obtained as part of the diagnosis and classification at the inpatient center, and an effort shall also be made to obtain copies of all pertinent records from other agencies, institutions, and medical facilities in order to develop a complete and permanent history on each patient.

“(b) A program shall be developed for patients of the inpatient center who are diagnosed not to be chronic alcoholics which program shall be designed to inform them of the dangers of alcoholism.

“(c) In the case of a patient of the inpatient center who is diagnosed as a chronic alcoholic, he shall be given immediate, intensive treatment for chronic alcoholism at the inpatient center.

“(d) No patient may be detained at the inpatient center without his consent, except under an order of the Court issued under section 7 of this Act. Reasonable regulations for checking out of the inpatient center and for providing transportation may be adopted. If a patient checks out of the center against medical advice, he may be readmitted at the discretion of the medical officer in charge of the center.

“SEC. 6. (a) A chronic alcoholic shall be encouraged to consent to outpatient and aftercare treatment for his illness at the types of facilities authorized in section 3(a) of this Act. Any person may voluntarily request admission to outpatient treatment. The medical officer in charge of the outpatient treatment is authorized to determine who shall be admitted to such treatment. There shall be one central outpatient treatment office which shall coordinate the operation of all outpatient facilities, and particularly shall be responsible for locating residential facilities for indigent intoxicated persons and alcoholics.

“(b) For chronic alcoholics for whom recovery is unlikely, supportive services and residential facilities shall be provided.

“(c) The Commissioner shall be responsible, through the outpatient treatment programs, for coordinating all public and private community efforts, including welfare services, vocational rehabilitation, and job placement, to integrate chronic alcoholics back into society as productive citizens.

“(d) No person shall be required to participate in outpatient treatment without his consent unless required under an order of the Court issued under section 7 of this Act. Reasonable requirements may be placed upon such a person as conditions for his participation in such treatment. If a patient withdraws from outpatient treatment against medical advice, he may be readmitted at the discretion of the medical officer in charge of outpatient treatment.

“SEC. 7. (a) The Court may, on a petition of the Corporation Counsel on behalf of the Commissioner, filed and heard before the period of detention for detoxification and diagnosis expires, order a person to be committed to the custody of the Commissioner for inpatient treatment and care if (1) the Court determines that the person is a chronic alcoholic and that as a result of chronic or acute intoxication such person is in immediate danger of substantial physical harm, and (2) such person received notice of the filing of such petition within a reasonable time before the hearing held by the Court. The period of such commitment, computed from the date of admission to a detoxification center, shall not exceed (1) 30 days in the case of the first or second such commitment within any 24-month period, or (2) 90 days in the case of the third or subsequent such commitment within any 24-month period.

“(b) (1) The Court may, after making the findings prescribed in paragraph (2) of this subsection, commit to the custody of the Commissioner for treatment and care for up to a specified period of time a chronic alcoholic who—

“(A) is charged with any misdemeanor and who, prior to trial for such misdemeanor, voluntarily requests such treatment in lieu of criminal prosecution for such misdemeanor;

“(B) is charged with a violation of section 28 of the District of Columbia Alcoholic Beverage Control Act (D.C. Code, sec. 25-128) and is acquitted on the ground of chronic alcoholism; or

“(C) is convicted of a violation of such section 28.

The term of commitment of a chronic alcoholic ordered by the Court under this subsection may not exceed the maximum term of imprisonment authorized for the misdemeanor for which the chronic alcoholic was charged.

"(2) Before any person may be committed under this subsection, the Court shall, after a medical diagnosis and a civil hearing, find that—

"(A) the person is a chronic alcoholic;

"(B) adequate and appropriate treatment provided by the Commissioner is available for the person; and

"(C) in the case of a person described in subparagraph (C) of paragraph (1) of this subsection, he constitutes a continuing danger to the safety of himself or of other persons.

The Court shall give reasonable notice of such hearing to the person sought to be committed and his attorney. In the case of a person described in subparagraph (C) of paragraph (1) of this subsection, if the Court does not make the finding described in subparagraph (B) of this paragraph, the Court may sentence the person to a penal institution pending the availability of such treatment, but for a period not to exceed the maximum term of imprisonment authorized for a violation of such section 28.

"(c) A committed person may challenge by a petition for a writ of habeas corpus the applicability of such findings, except that no more than one such petition may be filed in any six-month period. The limitation prescribed in the preceding sentence shall not apply in the case of petitions based on newly discovered evidence.

"(d) The Commissioner may transfer a committed person who has been adjudged a continuing danger to the safety of himself or of other persons from inpatient to outpatient status only with permission of the Court. The Commissioner may transfer any other committed person from inpatient to outpatient status, and any committed persons from outpatient to inpatient status, without permission of the Court, but may not release a committed person without permission of the Court.

"(e) If any person subject to a commitment proceeding initiated under this section does not have an attorney and cannot afford one, the Court shall appoint one to represent him.

"SEC. 8. The provisions of this Act shall apply to chronic alcoholics who have not been determined to be mentally ill. The handling of a chronic alcoholic who has been determined to be mentally ill shall be governed by the provisions of chapter 5 of title 21 of the District of Columbia Code.

"SEC. 9. The Commissioner may contract with any appropriate public or private agency, organization, or institution that has proper and adequate treatment facilities, programs, and personnel, in order to carry out the purposes of this Act.

"SEC. 10. (a) The Commissioner shall be responsible for developing and maintaining, in cooperation with other District of Columbia agencies and departments, programs for the prevention and treatment of alcoholism and the rehabilitation of alcoholics among District of Columbia employees consistent with the intent of this Act.

"(b) The Commissioner shall also be responsible for fostering alcoholism rehabilitation programs in private industry in the District of Columbia.

"SEC. 11. The Commissioner shall be responsible for establishing and maintaining a program for the prevention and treatment of alcoholism and the rehabilitation of alcoholics in correctional institutions in the District of Columbia.

"SEC. 12. The Commissioner shall be responsible for establishing and maintaining, in cooperation with the schools, the police, the

courts, and other public agencies in the District of Columbia, an effective program for the prevention of intemperance and alcoholism, and the treatment and rehabilitation of incipient alcoholics, among juveniles and young adults.

"SEC. 13. (a) The Commissioner shall maintain a continuing evaluation of his programs and shall conduct pilot and demonstration projects to improve his programs, and shall from time to time submit to the Congress such recommendations for programs for the District of Columbia to further the rehabilitation of chronic alcoholics, prevent the excessive and abusive use of alcoholic beverages, and promote moderation in the use of such beverages.

"(b) The Commissioner shall prepare and publish materials, data, information, and statistics that relate to the problems of intoxication and alcoholism in the District of Columbia and that may be used in a program of public education directed toward the prevention of the excessive and abusive use of alcoholic beverages.

"(c) The Commissioner shall develop a comprehensive plan to implement the objectives and policies of this Act, and in so doing shall consult and collaborate with appropriate public and private agencies, institutions, and organizations in the District of Columbia, and with the Secretary of Health, Education, and Welfare. In developing such plan, the Commissioner shall make every effort to utilize funds, programs, and facilities authorized under Federal legislation.

"SEC. 14. (a) (1) Except as otherwise provided in paragraph (2), if a person receives care, treatment, or any other services under this Act—

"(A) such person (or his estate), and

"(B) such person's father, mother, spouse, or adult children,

shall be liable (each according to his ability, as determined by the Commissioner, and in the order listed above) to reimburse the District of Columbia, for all or such part of the actual cost of providing such services, as the Commissioner may require. The liability of any person described in subparagraph (B) of this paragraph shall be determined by the Commissioner after notice to such person that services have been or will be rendered under this Act and the Commissioner has found that such person is able to reimburse the District of Columbia for all or a part of the cost of providing such services. Such person may not be held liable for the cost of any services rendered more than ninety days prior to the date of issue of such notice. The Commissioner shall determine the ability of the person who received services under this Act (or his estate) or his father, mother, spouse, or adult children, as the case may be, to reimburse the District of Columbia, by an examination conducted under oath. In any one case the Commissioner may conduct as many examinations as he determines are necessary to ascertain the ability of such person (or his estate) or his relatives to so reimburse the District of Columbia. In the case of a person committed under section 7(a) of this Act, the Commissioner may conduct such examination at any time after a petition for such person's commitment is filed under such section; and in the case of a person committed under section 7(b) of this Act, such examination may be conducted by the Commissioner at any time after the court serves notice of the hearing to be conducted under paragraph (2) of such section. In all other cases the Commissioner may conduct an examination at any time.

"(2) Any person described in subparagraph (B) of paragraph (1) who is liable to the District of Columbia under this section may apply to the Commissioner to have such liability waived. The Commissioner may waive such liability if he determines that it would be unreasonable to impose such liability because of the desertion or neglect of such person by the recipient of services under this Act or because of other factors similarly affecting the relationship between such person

and such recipient. The Commissioner shall prescribe procedures for the filing and hearing of such application under this paragraph.

“(b) The Commissioner may bring an action against a person made liable under subsection (a) for all or any part of the cost of services provided under this Act to require such person to satisfy such liability. In such an action the court may issue an order requiring any such person who is a party to such action to satisfy such liability in accordance with such terms as the court may prescribe. Such order may be enforced in the same manner as orders for alimony.

“(c) Sums collected by the Commissioner under this section shall be deposited in the Treasury of the United States to the credit of the District of Columbia.

“SEC. 15. The Commissioner may accept on behalf of the District of Columbia donations of services or gifts of real or personal property, tangible or intangible, which are made for the purpose of carrying out his functions under this Act. Gifts of money and the proceeds from the liquidation of any other gift shall be deposited in the Treasury of the United States to the credit of a trust fund account, which is hereby authorized, and may be invested and reinvested as trust funds of the District of Columbia. The Commissioner shall use such donations and gifts to carry out the purposes of this Act.”

(b) Section 14 of such Act is amended by striking out “SEC. 14” and inserting in lieu thereof “SEC. 16”.

(c) Section 15 of such Act is repealed.

SEC. 4. The amendments made by section 3 of this Act shall take effect on the ninetieth day following the date of its enactment.

Approved August 3, 1968.

Public Law 90-453

AN ACT

August 3, 1968
[S. 6]

To authorize the Secretary of the Interior to construct, operate, and maintain the initial stage of the Oahe unit, James division, Missouri River Basin project, South Dakota, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to construct, operate, and maintain in accordance with the Federal reclamation laws (Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereof or supplementary thereto) the initial stage of the Oahe unit, James division, Missouri River Basin project, South Dakota, for the principal purposes of furnishing a surface irrigation water supply for approximately one hundred and ninety thousand acres of land, furnishing water for municipal and industrial uses, controlling floods, conserving and developing fish and wildlife resources, and enhancing outdoor recreation opportunities, and other purposes. The principal features of the initial stage of the Oahe unit shall consist of the Oahe pumping plant (designed to provide for future enlargement) to pump water from the Oahe Reservoir, a system of main canals, regulating reservoirs, and the James diversion dam and the James pumping plant on the James River. The remaining works will include appurtenant pumping plants, canals, and laterals for distributing water to the land, and a drainage system.

SEC. 2. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the initial stage of the Oahe unit shall be in accordance with the provisions of the Federal Water Project Recreation Act (79 Stat.

63 Stat. 135.
D.C. Code 25-
111a.
Repeal.
D.C. Code 24-
514.
Effective date.

Missouri River
Basin project,
S. Dak.
Oahe unit.
43 USC 371
and note.

Recreation; fish
and wildlife de-
velopment.

213). Construction of the initial stage of the Oahe unit shall not be commenced as long as the State of South Dakota retains in its laws provisions that prohibit the hunting of migratory waterfowl by nonresidents in the waterfowl enhancement areas included within the area served by the project herein authorized. ^{16 USC 460f-12 note.}

SEC. 3. The Oahe unit shall be integrated physically and financially with the other Federal works constructed or authorized to be constructed under the comprehensive plan approved by section 9 of the Act of December 22, 1944, as amended and supplemented. ^{58 Stat. 891.}

SEC. 4. For a period of ten years from the date of enactment of this Act, no water from the project authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marked is in excess of the normal supply as defined in section 301 (b) (10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security. ^{63 Stat. 1051. 7 USC 1421 note. 62 Stat. 1251. 7 USC 1301.}

SEC. 5. The interest rate used for purposes of computing interest during construction and interest on the unpaid balance of the capital costs allocated to interest-bearing features of the project shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue. ^{Interest rate, determination.}

SEC. 6. There is hereby authorized to be appropriated for construction of the initial stage of the Oahe unit as authorized in this Act the sum of \$191,670,000 (based upon January 1964 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering costs indexes applicable to the types of construction involved herein. There are also authorized to be appropriated such additional sums as may be required for operation and maintenance of the unit. ^{Appropriation.}

Approved August 3, 1968.

Public Law 90-454

AN ACT

To authorize the Secretary of the Interior, in cooperation with the States, to conduct an inventory and study of the Nation's estuaries and their natural resources, and for other purposes.

August 3, 1968
[H. R. 25]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress finds and declares that many estuaries in the United States are rich in a variety of natural, commercial, and other resources, including environ-

Estuarine areas.
Protection and
restoration.

mental natural beauty, and are of immediate and potential value to the present and future generations of Americans. It is therefore the purpose of this Act to provide a means for considering the need to protect, conserve, and restore these estuaries in a manner that adequately and reasonably maintains a balance between the national need for such protection in the interest of conserving the natural resources and natural beauty of the Nation and the need to develop these estuaries to further the growth and development of the Nation. In connection with the exercise of jurisdiction over the estuaries of the Nation and in consequence of the benefits resulting to the public, it is declared to be the policy of Congress to recognize, preserve, and protect the responsibilities of the States in protecting, conserving, and restoring the estuaries in the United States.

Study.

SEC. 2. (a) The Secretary of the Interior, in consultation and in cooperation with the States, the Secretary of the Army, and other Federal agencies, shall conduct directly or by contract a study and inventory of the Nation's estuaries, including without limitation coastal marshlands, bays, sounds, seaward areas, lagoons, and land and waters of the Great Lakes. For the purpose of this study, the Secretary shall consider, among other matters, (1) their wildlife and recreational potential, their ecology, their value to the marine, anadromous, and shell fisheries and their esthetic value, (2) their importance to navigation, their value for flood, hurricane, and erosion control, their mineral value, and the value of submerged lands underlying the waters of the estuaries, and (3) the value of such areas for more intensive development for economic use as part of urban developments and for commercial and industrial developments. This study and inventory shall be carried out in conjunction with the comprehensive estuarine pollution study authorized by section 5(g) of the Federal Water Pollution Control Act, as amended, and other applicable studies.

70 Stat. 499;
79 Stat. 903;
80 Stat. 1247.
33 USC 466c.

(b) The study shall focus attention on whether any land or water area within an estuary and the Great Lakes should be acquired or administered by the Secretary or by a State or local subdivision thereof, or whether such land or water area may be protected adequately through local, State, or Federal laws or other methods without Federal land acquisition or administration.

Report to Congress and recommendations.

(c) The Secretary of the Interior shall, not later than January 30, 1970, submit to the Congress through the President a report of the study conducted pursuant to this section, together with any legislative recommendations, including recommendations on the feasibility and desirability of establishing a nationwide system of estuarine areas, the terms, conditions, and authorities to govern such system, and the designation and acquisition of any specific estuarine areas of national significance which he believes should be acquired by the United States. No lands within such area may be acquired until authorized by subsequent Act of Congress. Recommendations made by the Secretary for the acquisition of any estuarine area shall be developed in consultation with the States, municipalities, and other interested Federal

agencies. Each such recommendation shall be accompanied by (1) expressions of any views which the interested States, municipalities, and other Federal agencies and river basin commissions may submit within sixty days after having been notified of the proposed recommendations, (2) a statement setting forth the probable effect of the recommended action on any comprehensive river basin plan that may have been adopted by Congress or that is serving as a guide for coordinating Federal programs in the basin wherein such area is located, (3) in the absence of such a plan, a statement indicating the probable effect of the recommended action on alternative beneficial users of the resources of the proposed estuarine area, and (4) a discussion of the major economic, social, and ecological trends occurring in such area.

(d) There is authorized to be appropriated not to exceed \$250,000 for fiscal year 1969 and \$250,000 for fiscal year 1970 to carry out the provisions of this section. Such sums shall be available until expended.

Appropriation.

SEC. 3. After the completion of the general study authorized by section 2 of this Act, the Secretary of the Interior, with the approval of the President, may enter into an agreement, containing such terms and conditions as are mutually acceptable, with any State or with a political subdivision or agency thereof (if the agreement with such subdivision or agency is first approved by the Governor of the State involved or by a State agency designated for that purpose) for the permanent management, development, and administration of any area, land, or interests therein within an estuary and adjacent lands which are owned or thereafter acquired by a State or by any political subdivision thereof: *Provided*, That, with the approval of the Governor of the State involved or of a State agency designated for that purpose, the Secretary may also enter into such an agreement for any particular area whenever the segment of the general study applicable to that area is completed subject to the provisions of subsections (a) and (b) of section 2 of this Act. Such agreement shall, among other things, provide that the State or a political subdivision or agency thereof and the Secretary shall share in an equitable manner in the cost of managing, administering, and developing such areas, and such development may include the construction, operation, installation, and maintenance of buildings, devices, structures, recreational facilities, access roads, and other improvements, and such agreement shall be subject to the availability of appropriations. State hunting and fishing laws and regulations shall be applicable to such areas to the extent they are now or hereafter applicable.

Agreements with States and subdivisions.

SEC. 4. In planning for the use or development of water and land resources, all Federal agencies shall give consideration to estuaries and their natural resources, and their importance for commercial and industrial developments, and all project plans and reports affecting such estuaries and resources submitted to the Congress shall contain a discussion by the Secretary of the Interior of such estuaries and such resources and the effects of the project on them and his recommendations thereon. The Secretary of the Interior shall make his recommendations within ninety days after receipt of such plans and reports.

Commercial and industrial development considerations.

Reports to Congress.

Recommendations.

SEC. 5. The Secretary of the Interior shall encourage States and local subdivisions thereof to consider, in their comprehensive planning and proposals for financial assistance under the Federal Aid in Wildlife Restoration Act (50 Stat. 917), as amended (16 U.S.C. 669 et seq.), the Federal Aid in Fish Restoration Act (64 Stat. 430), as amended (16 U.S.C. 777 et seq.), the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), the Commercial Fisheries Research and Development Act of 1964 (78 Stat. 197), and the Anadromous and Great

16 USC 4601-4
note.
16 USC 779
note.

16 USC 757a-
757f.

Lakes Fisheries Conservation Act of October 30, 1965 (79 Stat. 1125), the needs and opportunities for protecting and restoring estuaries in accordance with the purposes of this Act. In approving grants made pursuant to said laws for the acquisition of all or part of an estuarine area by a State, the Secretary shall establish such terms and conditions as he deems desirable to insure the permanent protection of such areas, including a provision that the lands or interests therein shall not be disposed of by sale, lease, donation, or exchange without the prior approval of the Secretary.

SEC. 6. Nothing in this Act shall be construed to affect the authority of any Federal agency to carry out any Federal project heretofore or hereafter authorized within an estuary.

Approved August 3, 1968.

Public Law 90-455

August 3, 1968
[S. 1532]

AN ACT

To require that contracts for construction, alteration, or repair of any public building or public work of the District of Columbia be accompanied by a performance bond protecting the District of Columbia and by an additional bond for the protection of persons furnishing material and labor, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) before any contract, exceeding \$2,000 in amount, for the construction, alteration, or repair of any public building or public work of the District of Columbia is awarded to any person, such person shall furnish to the District of Columbia the following bonds, which shall become binding upon the award of the contract to such person, who is hereinafter designated as "contractor":

(1) A performance bond with a surety or sureties satisfactory to the Commissioners of the District of Columbia, and in such amount as they shall deem adequate, for the protection of the District of Columbia.

(2) A payment bond with a surety or sureties satisfactory to the Commissioners for the protection of all persons supplying labor and material in the prosecution of the work provided for in said contract for the use of each such person. Whenever the total amount payable by the terms of the contract shall be not more than \$1,000,000 the payment bond shall be in a sum equal to one-half the total amount payable by the terms of the contract. Whenever the total amount payable by the terms of the contract shall be more than \$1,000,000 and not more than \$5,000,000, the said payment bond shall be in a sum equal to 40 per centum of the total amount payable by the terms of the contract. Whenever the total amount payable by the terms of the contract shall be more than \$5,000,000 the payment bond shall be in the sum of \$2,500,000.

(b) Nothing in this section shall be construed to limit the authority of the Commissioners to require a performance bond or other security in addition to those, or in cases other than the cases specified in subsection (a) of this section.

SEC. 2. (a) Every person who has furnished labor or material in the prosecution of the work provided for in such contract, in respect of which a payment bond is furnished under this Act and who has not been paid in full therefor before the expiration of a period of ninety days after the day on which the last of the labor was done or performed by him or material was furnished or supplied by him for which such claim is made, shall have the right to sue on such payment

D.C. public
works.
Bonds.

Performance
bond.

Payment bond.

bond for the amount, or the balance thereof, unpaid at the time of institution of such suit and to prosecute said action to final judgment and execution for the sum or sums justly due him: *Provided*, That any person having direct contractual relationship with a subcontractor but no contractual relationship, express or implied, with the contractor furnishing the payment bond, shall have a right of action upon the payment bond upon giving written notice to the contractor within ninety days from the date on which such person did or performed the last of the labor, or furnished or supplied the last of the material for which such claim is made, stating with substantial accuracy the amount claimed and the name of the party to whom the material was furnished or supplied or for whom the labor was done or performed. Such notice shall be served by mailing the same by registered mail, postage prepaid, in an envelope addressed to the contractor at any place he maintains an office or conducts his business, or his residence, or in any manner in which the United States marshal for the District of Columbia is authorized by law to serve summons.

(b) Every suit instituted under this section shall be brought in the name of the District of Columbia for the use of the person suing, in the United States District Court for the District of Columbia, irrespective of the amount in controversy in such suit, but no such suit shall be commenced after the expiration of one year after the day on which the last of the labor was performed or material was supplied by him. The District of Columbia shall not be liable for the payment of any costs or expenses of any such suit.

SEC. 3. The Commissioners are authorized and directed to furnish, to any person making application therefor who submits an affidavit that he has supplied labor or materials for such work and payment therefor has not been made or that he is being sued on any such bond, a certified copy of such bond and the contract for which it was given, which copy shall be prima facie evidence of the contents, execution, and delivery of the original. Applicants shall pay for such certified copies such fees as the Commissioners fix to cover the cost of preparation thereof.

SEC. 4. The Act entitled "An Act in relation to contracts with the District of Columbia", approved June 28, 1906 (34 Stat. 546), as amended by the Act approved June 26, 1912 (37 Stat. 168; D.C. Code, secs. 1-805 and 1-806) is amended by striking "\$1,000" therefrom, and inserting in lieu thereof "\$2,000".

SEC. 5. Section 1 of the Act entitled "An Act regulating the retent on contracts with the District of Columbia" approved March 31, 1906 (34 Stat. 94), as amended (D.C. Code, sec. 1-807), is amended by inserting immediately before the semicolon the following: ", and whenever the work is substantially complete, the Commissioners, if they consider the amount retained to be in excess of the amount adequate for the protection of the District of Columbia, at their discretion may release to the contractor all or a portion of such excess amount".

SEC. 6. As used in this Act, the term "person" and the masculine pronoun shall include all persons whether individuals, associations, copartnerships, or corporations, and the terms "Commissioners of the District of Columbia" and "Commissioners" mean the Board of Commissioners of the District of Columbia or their designated agents.

SEC. 7. The Act entitled "An Act to require a contractor to whom is awarded any contract for public buildings or other public works or for repairs or improvements thereon for the District of Columbia to give bond for the faithful performance of the contract, for the protection of persons furnishing labor and materials, and for other purposes", approved July 7, 1932 (47 Stat. 608), as amended (D.C. Code, sec. 1-804), is repealed, except that such Act shall remain in

Definitions.

Repeal.

Exceptions.

force with respect to contracts for which invitations for bids have been issued on or before the effective date of this Act, and to persons or bonds in respect of such contracts.

Effective date.

SEC. 8. This Act shall take effect upon the expiration of sixty days after the date of its enactment, but shall not apply to any contract awarded pursuant to any invitation for bids issued on or before the date it takes effect, or to any person or bond in respect of any such contract.

81 Stat. 951.
D.C. Code title
1 app.

SEC. 9. Effective on the effective date of this Act or on the effective date of part IV of Reorganization Plan No. 3 of 1967, whichever is later, the functions vested in the Board of Commissioners by this Act shall be deemed to be vested in the Commissioner appointed pursuant to part III of such plan.

81 Stat. 949.

Approved August 3, 1968.

Public Law 90-456

August 3, 1968
[S. J. Res. 193]

JOINT RESOLUTION

To designate the National Center for Biomedical Communications the Lister Hill National Center for Biomedical Communications.

Whereas, during his long and distinguished career in the Congress, Senator Lister Hill has achieved more forward-looking legislation relating to improved health and educational opportunities for the American people than any other individual in the history of this body; and

Whereas, Senator Hill's legislative interests in health, in education, and in libraries are epitomized in the National Library of Medicine, to whose establishment and development Senator Hill has paid particular attention during the course of his career; and

Whereas, a National Center for Biomedical Communications to be constructed and located as a part of this Library has been proposed by two legislators of the House, the late John E. Fogarty of Rhode Island, and Paul G. Rogers of Florida; and further that this Center has been strongly endorsed by representatives of the scientific community as an urgently required facility for the improvement of communications necessary for health education, research, and practice; and further that this Center would function to contribute enduringly to the life-long objectives of Senator Hill's legislative career: Be it therefore

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That this Center be named and designated as the Lister Hill National Center for Biomedical Communications, thus perpetuating the name of the distinguished Senator from Alabama, and the legislative interests of his long and fruitful career in the United States Senate.

Approved August 3, 1968.

Lister Hill
National Center
for Biomedical
Communications.
Designation.

Public Law 90-457

AN ACT

To authorize project grants and loans for construction and modernization of hospitals and other medical facilities in the District of Columbia.

August 3, 1968
[S. 1228]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "District of Columbia Medical Facilities Construction Act of 1968".

District of Columbia Medical Facilities Construction Act of 1968.

AUTHORIZATION OF APPROPRIATIONS FOR GRANTS

SEC. 2. There are authorized to be appropriated for the fiscal year ending June 30, 1969, and for each of the next three fiscal years, such sums as may be necessary, not to exceed in the aggregate \$40,052,000, to enable the Secretary of Health, Education, and Welfare (hereafter in this Act referred to as the "Secretary"), to make grants to assist in meeting the cost of projects for the modernization of public or non-profit private hospitals and in meeting the cost of projects for the construction or modernization of public health centers, long-term care facilities, including extended care facilities, diagnostic or treatment centers, rehabilitation facilities, facilities for the mentally retarded, and community mental health centers in the District of Columbia. Sums so appropriated shall remain available until expended.

LOANS FOR THE CONSTRUCTION OR MODERNIZATION OF HOSPITALS AND OTHER HEALTH FACILITIES

SEC. 3. (a) The Secretary may make loans to assist in meeting the cost of projects for the construction or modernization of any hospital or other facility referred to in section 2 of this Act. The Secretary may make a loan under this section only if he determines that the applicant for the loan is unable to obtain the amount of such loan for the project from other public or private sources at reasonable rates of interest. The amount of any loan made under this section may not exceed 50 per centum of the cost of the project for which the loan is sought.

Limitation.

(b) Any such loan may be made only on the basis of an application submitted to the Secretary in such form and containing such information and assurances as he may prescribe.

(c) Each such loan shall bear interest at the rate of 2½ per centum per annum on the unpaid balance thereof and shall be repaid over a period determined by the Secretary to be appropriate, but not exceeding 50 years.

Interest rate.

(d) There is authorized to be appropriated \$40,575,000 to carry out the provisions of this section.

Appropriation.

APPROVAL OF APPLICATIONS

SEC. 4. (a) An application for a grant or loan with respect to any project may be approved by the Secretary under this Act only if an application for a grant with respect to such project has been filed under a Medical Facilities Act (which for purposes of this Act means title VI of the Public Health Service Act or, where appropriate, title II or part C of title I of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963) and—

(1) has been approved under a Medical Facilities Act and the application filed under this Act is for additional funds in connection therewith, or

(2) has been denied under a Medical Facilities Act because insufficient funds are available from the allotments of the District

78 Stat. 447;
81 Stat. 541.
42 USC 291-
2910.
77 Stat. 290;
79 Stat. 427.
42 USC 2681
et seq.
77 Stat. 286.
42 USC 2671
et seq.

of Columbia under the applicable Medical Facilities Act to permit approval of the application.

Additional
funds, availabil-
ity.

In determining whether to approve an application for a grant under a Medical Facilities Act for any project in the District of Columbia, the availability of additional funds for such project under this Act shall be taken into consideration. Approval of such application may be made contingent upon the approval of an application or applications with respect to such project under this Act and upon such additional funds being made so available.

Order of loan
approval, criteria.

(b) The Secretary shall establish criteria for determining the order in which to approve, under this Act, applications for grants and loans with respect to projects. Such criteria with respect to construction projects for the same type of facility (or for modernization projects) shall be the criteria developed by the State Agency of the District of Columbia pursuant to the State plan approved under the applicable Medical Facilities Act.

(c) In the case of any project with respect to which an application for a grant or loan is filed under this Act and with respect to which an application for a grant has been denied under a Medical Facilities Act, such application under this Act may be approved only if there is compliance with the same terms and conditions (including determination, in accordance with the applicable State plan, that the project is needed) as are applicable to applications for grants under the Medical Facilities Act, other than the availability of sufficient funds in the appropriate allotment of the District of Columbia.

Loan applica-
tion, review.

(d) An application for a grant or loan under this Act with respect to any project may not be approved unless an opportunity to review the application has been afforded to a body, found by the Secretary to be a responsible metropolitan areawide planning body, and any recommendations of such body that were timely made have been considered by the appropriate State agency of the District of Columbia and have been submitted to the Secretary in connection with the application.

PAYMENTS

SEC. 5. (a) Payments under this Act with respect to any project shall be made in the manner provided under the applicable Medical Facilities Act for payment of the Federal share of the cost of projects for which applications are approved under such Act; except that payments under this Act shall also be subject to such reasonable conditions as the Secretary deems appropriate to safeguard the Federal interest.

Limitation.

(b) The total of the payments of grants made under this Act with respect to any project, together with any payments made with respect thereto under a Medical Facilities Act, may not exceed—

(1) in the case of a construction project for a long-term care facility, including extended care facilities; a diagnostic or treatment center, or a rehabilitation facility, 66⅔ per centum of the cost of such project; and

(2) in the case of any other project (including a modernization project), 50 per centum of the cost of such project.

RECOVERY OF PAYMENTS

SEC. 6. (a) Payments of grants under this Act shall be subject to recovery or recapture under the same conditions and to the same extent as is provided under the applicable Medical Facilities Act with respect to payments made thereunder.

(b) If, at any time before a loan made under this Act has been repaid in full, an event occurs for which (if a grant had been made

under a Medical Facilities Act) recovery by the United States would be authorized, the unpaid balance of the loan shall become immediately due and payable by the applicant, and any transferee of the facility for which such loan was made shall be liable to the United States for such repayment.

MEANING OF TERMS

SEC. 6. The terms used in this Act shall have the same meaning as when used in the applicable Medical Facilities Act.

Approved August 3, 1968.

Public Law 90-458

AN ACT

August 3, 1968
[S. 1224]

To establish a register of blind persons in the District of Columbia, to provide for the mandatory reporting of information concerning such persons, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of the District of Columbia shall establish and maintain a register of blind persons residing in the District of Columbia. Such register shall, under regulations prescribed by the District of Columbia Council, provide information of such nature as will or may be of assistance in the planning of improved facilities and services for blind persons and in the restoration and conservation of sight.

D.C. register of
blind persons.
Establishment.

SEC. 2. Each—

(1) health, educational, and social service agency or institution operating in the District of Columbia and having in its care or custody (either full or part time), or rendering service to, any blind person,

(2) physician and osteopath licensed or registered by the District of Columbia who has in his professional care for diagnosis or treatment such a person, and

(3) optometrist licensed by the District of Columbia who, in the course of his practice of optometry, ascertains that a person is blind,

Reporting of
information.

shall report in writing to the Commissioner the name, age, and residence of such person and such additional information as the Council may, by regulation, require for incorporation in the register referred to in the first section. Such register and reports shall not be open to public inspection. The Commissioner may make available in the form of statistical abstracts or digests information contained in such register and reports if the identity of persons referred to in such register or reports is not disclosed in such abstracts or digests.

SEC. 3. For the purpose of this Act—

Definitions.

(1) the term “blind person” means, and the term “blind” refers to, a person who (A) is totally blind, (B) has impaired vision of not more than 20/200 visual acuity in the better eye and for whom vision cannot be improved to better than 20/200, or (C) who has loss of vision due wholly or in part to impairment of field vision or to other factors which affect the usefulness of vision to a like degree,

(2) the term “Commissioner” means the Commissioner of the District of Columbia or his designated agent, and

(3) the term “Council” means the District of Columbia Council.

SEC. 4. Any person who in good faith makes a report pursuant to this Act or pursuant to any regulation promulgated under the author-

ity of this Act, shall not, by reason thereof, be personally liable in damages.

Effective date.

SEC. 5. This Act shall take effect on the first day of the first month which begins on or after the thirtieth day after the date of its enactment.

Approved August 3, 1968.

Public Law 90-459

August 3, 1968
[H. R. 9606]

AN ACT

To exempt from taxation certain property of the National Society of the Colonial Dames of America in the District of Columbia.

D.C.
National Society
of the Colonial
Dames of America.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 299, Eighty-first Congress, first session, approved September 7, 1949 (63 Stat. 694, ch. 564) appearing in the District of Columbia Code, 1961 edition, as section 47-801a-2, be and the same is hereby amended by adding a new sentence at the end thereof as follows: "There shall also be exempt from taxation upon the same terms and conditions the adjoining property owned by the National Society of the Colonial Dames of America, now designated on the records of the Assessor of the District of Columbia as Lots 813 and 814 in Square 1285, together with any improvements which may hereafter be erected thereon by said National Society of the Colonial Dames of America."

Effective date.

SEC. 2. This amendment shall apply with respect to taxable years beginning after June 30, 1968.

Approved August 3, 1968.

Public Law 90-460

August 3, 1968
[H. R. 16729]

AN ACT

To extend for two years certain programs providing assistance to students at institutions of higher education, to modify such programs, and to provide for planning, evaluation, and adequate leadtime in such programs.

Higher educa-
tion.
Student assist-
ance programs,
extension.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

EXTENSION OF STUDENT LOAN INSURANCE PROGRAMS

79 Stat. 1237.
20 USC 1074.

SECTION 1. (a) (1) Section 424(a) of the Higher Education Act of 1965 is amended (A) in the first sentence by striking out "fiscal year ending June 30, 1968" and inserting in lieu thereof "period thereafter ending October 31, 1968", and (B) in the second sentence by striking out "June 30, 1972" and inserting "October 31, 1968".

20 USC 1078.

(2) Section 428(a) of such Act is amended by striking out "June 30, 1968" and all that follows down through the period and inserting in lieu thereof "October 31, 1968."

79 Stat. 1038.
20 USC 984.

(b) (1) Section 5(a) of the National Vocational Student Loan Insurance Act of 1965 is amended (A) in the first sentence by striking out "and in each of the two succeeding fiscal years" and inserting in lieu thereof "in the fiscal year ending June 30, 1967, and in the period thereafter ending October 31, 1968", and (B) in the second sentence by striking out "June 30, 1972" and inserting in lieu thereof "October 31, 1968".

(2) Section 9(a)(4) of such Act is amended by striking out "June 30, 1968" and all that follows down through the period and inserting in lieu thereof "October 31, 1968."

79 Stat. 1041.
20 USC 988.

(3) Section 10(b) of such Act is amended by adding at the end thereof the following new sentence: "No loan may be made under this section after October 31, 1968."

20 USC 989.

INCREASE OF MAXIMUM INTEREST RATE UNDER STUDENT LOAN
INSURANCE PROGRAMS; ADMINISTRATIVE COSTS

SEC. 2. (a) (1) Section 427(b) of the Higher Education Act of 1965 is amended by striking out "6 per centum" and all that follows and inserting in lieu thereof "7 per centum per annum on the unpaid principal balance of the loan."

79 Stat. 1240.
20 USC 1077.

(2) Section 428(b)(1)(E) of the Higher Education Act of 1965 is amended by striking out "6 per centum" and inserting in lieu thereof "7 per centum".

20 USC 1078.

(b)(1) Paragraph (2) of section 428(a) of the Higher Education Act of 1965 is amended by inserting "(A)" after "(2)" and by adding at the end of that subparagraph the following new subparagraph:

Post, p. 1022.

"(B) When, due to State laws which do not permit an interest rate of 7 per centum per annum, and when the Commissioner determines that such statutory limitations threaten to impede the carrying out of the purposes of this part, he may authorize an administrative cost allowance, not to exceed 1 per centum per annum of the unpaid principal balance, for the term of any loan insured by the Commissioner under this part or under a State or private nonprofit student loan insurance program covered by an agreement under subsection (b). Such an administrative cost allowance may be paid on loans made during the period beginning on the date of enactment of this subparagraph and ending on October 31, 1968."

(2)(A) Section 428(a)(1) of such Act is amended by inserting after the first sentence the following new sentence: "In addition, the Commissioner shall pay an administrative cost allowance in the amount established by paragraph (2)(B) of this subsection with respect to loans to any such student but without regard to the student's adjusted family income."

(B) Section 428(a)(2)(A) (as so designated by this section) is amended by inserting after the first sentence the following: "For purposes of the preceding sentence, the term 'interest' includes any administrative cost allowance paid pursuant to subparagraph (B)."

(C) The second sentence of section 428(a)(2)(A) of such Act is amended by inserting "and the administrative cost allowance payable under this subsection" after "determined".

(D) Section 428(a)(3) of such Act is amended by inserting "or of administrative cost allowances" after "interest".

(3) Section 421(b)(2) of such Act is amended by inserting "and administrative cost allowances" after "interest".

79 Stat. 1236.
20 USC 1071.

(c)(1) Section 8(b) of the National Vocational Student Loan Insurance Act of 1965 is amended by striking out "6 per centum" and all that follows and inserting in lieu thereof "7 per centum per annum on the unpaid principal balance of the loan."

79 Stat. 1040.
20 USC 987.

(2) Section 9(b)(1)(E) of the National Vocational Student Loan Insurance Act of 1965 is amended by striking out "6 per centum" and inserting in lieu thereof "7 per centum".

20 USC 988.

(d)(1) Paragraph (2) of section 9(a) of the National Vocational Student Loan Insurance Act of 1965 is amended by inserting "(A)" after "(2)" and by adding at the end of that subparagraph the following new subparagraph:

“(B) When, due to State laws which do not permit an interest rate of 7 per centum per annum, and when the Commissioner determines that such statutory limitations threaten to impede the carrying out of the purposes of this Act, he may authorize an administrative cost allowance, not to exceed 1 per centum per annum of the unpaid principal balance, for the term of any loan insured by the Commissioner under this part or under a State or private nonprofit student loan insurance program covered by an agreement under subsection (b). Such an administrative cost allowance may be paid on loans made during the period beginning on the date of enactment of this subparagraph and ending on October 31, 1968.”

79 Stat. 1041.
20 USC 988.

(2) (A) Section 9(a) (1) of such Act is amended by inserting after the first sentence the following new sentence: “In addition, the Commissioner shall pay an administrative cost allowance in the amount established by paragraph (2) (B) of this subsection with respect to loans to any such student but without regard to the student’s adjusted family income.”

(B) Section 9(a) (2) (A) of such Act (as so designated by this section) is amended by inserting after the first sentence the following: “For purposes of the preceding sentence, the term ‘interest’ includes any administrative cost allowance paid pursuant to subparagraph (B).”

(C) The second sentence of section 9(a) (2) (A) of such Act is amended by inserting “and the administrative cost allowance payable under this subsection” after “determined”.

(D) Section 9(a) (3) of such Act is amended by inserting “or of administrative cost allowances” after “interest”.

79 Stat. 1037.
20 USC 981.

(3) Section 2(b) (2) of such Act is amended by inserting “and administrative cost allowances” after “interest”.

FEDERAL GUARANTY OF STUDENT LOANS INSURED UNDER NON-FEDERAL PROGRAMS

79 Stat. 1236.
20 USC 1071.

SEC. 3. (a) Section 421(a) of the Higher Education Act of 1965 is amended by striking out “and” before “(3)”, and by inserting before the period at the end of that subsection the following: “, and (4) to guarantee a portion of each loan insured under a program of a State or of a nonprofit private institution or organization which meets the requirements of section 428(a) (1) (C)”.

Post, p. 1021.
20 USC 1078.

(b) Section 428 of such Act is amended by adding after subsection (b) the following new subsection:

“(c) (1) The Commissioner may enter into a guaranty agreement with any State or any nonprofit private institution or organization with which he has an agreement pursuant to subsection (b), whereby the Commissioner shall undertake to reimburse it, under such terms and conditions as he may establish, in an amount equal to 80 per centum of the amount expended by it in discharge of its insurance obligation, incurred under its loan insurance program, with respect to losses (resulting from the default, death, or permanent and total disability of the student borrower) on the unpaid balance of the principal (other than interest added to principal) of any insured loan with respect to which a portion of the interest (A) is payable by the Commissioner under subsection (a), or (B) would be payable under such subsection but for the adjusted family income of the borrower.

Provisions.

“(2) The guaranty agreement—

“(A) shall set forth such administrative and fiscal procedures as may be necessary to protect the United States from the risk of unreasonable loss thereunder, to insure proper and efficient admin-

istration of the loan insurance program, and to assure that due diligence will be exercised in the collection of loans insured under the program;

“(B) shall provide for making such reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this subsection, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports;

Reports; recordkeeping.

“(C) shall set forth adequate assurance that, with respect to so much of any loan insured under the loan insurance program as may be guaranteed by the Commissioner pursuant to this subsection, the undertaking of the Commissioner under the guaranty agreement is acceptable in full satisfaction of State law or regulation requiring the maintenance of a reserve;

“(D) shall provide that if, after the Commissioner has made payment under the guaranty agreement pursuant to paragraph (1) of this subsection with respect to any loan, any payments are made in discharge of the obligation incurred by the borrower with respect to such loan (including any payments of interest accruing on such loan after such payment by the Commissioner), there shall be paid over to the Commissioner (for deposit in the fund established by section 431) such proportion of the amounts of such payments as is determined (in accordance with regulations prescribed by the Commissioner) to represent his equitable share thereof, but shall not otherwise provide for subrogation of the United States to the rights of any insurance beneficiary: *Provided*, That, except as the Commissioner may otherwise by or pursuant to regulation provide, amounts so paid by a borrower on such a loan shall be first applied in reduction of principal owing on such loan; and

20 USC 1081.

“(E) may include such other provisions as may be necessary to promote the purposes of this part.

“(3) To the extent provided in regulations of the Commissioner, a guaranty agreement under this subsection may contain provisions which permit such forbearance for the benefit of the student borrower as may be agreed upon by the parties to an insured loan and approved by the insurer. Nothing in this subsection shall be construed to require collection of the amount of any loan by the insurance beneficiary or its insurer from the estate of a deceased borrower or from a borrower found by the insurance beneficiary or its insurer to have become permanently and totally disabled.

“(4) For purposes of this subsection—

“(A) the terms ‘insurance beneficiary’ and ‘default’ shall have the meanings assigned to them by section 430(e), and

“(B) permanent and total disability shall be determined in accordance with regulations of the Commissioner.

“Insurance beneficiary”;
“default.”
79 Stat. 1244.
20 USC 1080.

“(5) In the case of any guaranty agreement entered into prior to October 31, 1968, with a State or nonprofit private institution or organization with which the Commissioner has in effect on that date an agreement pursuant to subsection (b) of this section, or section 9(b) of the National Vocational Student Loan Insurance Act of 1965, made prior to the date of enactment of this subsection, the Commissioner may, in accordance with the terms of this subsection, undertake to guarantee loans described in paragraph (1) which are insured by such

79 Stat. 1042.
Ante, p. 635.
20 USC 988.

State, institution, or organization and are outstanding on the date of execution of the guaranty agreement, but only with respect to defaults occurring after the execution of such guaranty agreement or, if later, after its effective date."

79 Stat. 1245.
20 USC 1081.

20 USC 1078.

(c) Section 431 of such Act is amended (A) by inserting in the first sentence of subsection (a) " , or in connection with payments under a guaranty agreement under section 428(c)," after "insured by him under this part"; (B) by inserting in the third sentence of subsection (a) " , or in connection with such guaranty agreements" after "insured by the Commissioner under this part"; and (C) by inserting in the first sentence of subsection (b) " , or in connection with any guaranty agreement made under section 428(c)" after "insured by the Commissioner under this part".

20 USC 1082.

(d) Section 432(a)(5) of such Act is amended by inserting "or any guaranty agreement under section 428(c)" after "such insurance".

Approved August 3, 1968.

Public Law 90-461

August 8, 1968
[S. 2060]

AN ACT

To amend section 503(f) of the Federal Property and Administrative Services Act of 1949 to extend for a period of five years the authorization to make appropriations for allocations and grants for the collection and publication of documentary sources significant to the history of the United States.

Federal Prop-
erty and Ad-
ministrative
Services Act of
1949, amendment.
78 Stat. 335.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 503(f) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended (44 U.S.C. 393), is amended by substituting the word "nine" for the word "four" in the phrase "for the fiscal year ending June 30, 1965, and each of the four succeeding fiscal years".

Approved August 8, 1968.

Public Law 90-462

August 8, 1968
[S. 3679]

AN ACT

To amend the Act of June 19, 1968 (Public Law 351, Ninetieth Congress).

Omnibus Crime
Control and
Safe Streets
Act of 1968,
amendment.
Ante, p. 208.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clauses (1), (2), and (3) of section 520(b) of the Act of June 19, 1968 (Public Law 351, Ninetieth Congress), are amended by striking out "302" each time it appears and inserting in lieu thereof "301".

SEC. 2. The caption of title II of the Act of June 19, 1968 (Public Law 351, Ninetieth Congress), immediately preceding section 701 thereof is amended to read as follows:

"TITLE II—ADMISSIBILITY OF CONFESSIONS AND ADMISSIBILITY OF EYEWITNESS TESTIMONY".

SEC. 3. Section 1401(a) of the Act of June 19, 1968 (Public Law 351, Ninetieth Congress), is amended by striking out "Chapter 204" and inserting in lieu thereof "Chapter 205".

Approved August 8, 1968.

Public Law 90-463

AN ACT

Making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1969, and for other purposes.

August 8, 1968
[H. R. 16913]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1969, and for other purposes; namely:

Department of
Agriculture
and Related
Agencies Approp-
riation Act,
1969.

DEPARTMENT OF AGRICULTURE

TITLE I—GENERAL ACTIVITIES

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For expenses necessary to perform agricultural research relating to production, utilization, marketing, nutrition and consumer use, to control and eradicate pests and plant and animal diseases, and to perform related inspection, quarantine and regulatory work: *Provided*, That appropriations hereunder shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed three for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2225, for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building (except headhouses connecting greenhouses) shall not exceed \$25,000, except for six buildings to be constructed or improved at a cost not to exceed \$55,000 each, and the cost of altering any one building during the fiscal year shall not exceed \$7,500 or 7.5 per centum of the cost of the building, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to a total of \$100,000 for facilities at Beltsville, Maryland:

58 Stat. 742.
80 Stat. 416.

Research: For research and demonstrations on the production and utilization of agricultural products; agricultural marketing and distribution, not otherwise provided for; home economics or nutrition and consumer use of agricultural and associated products; and related research and services; and for acquisition of land by donation, exchange, or purchase at a nominal cost not to exceed \$100; \$129,118,300, and in addition not to exceed \$15,000,000 from funds available under section 32 of the Act of August 24, 1935, pursuant to Public Law 88-250 shall be transferred to and merged with this appropriation: *Provided*, That the limitations contained herein shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That none of the funds appropriated in this Act shall be used to formulate a budget estimate for fiscal 1970 of more than \$15,000,000 for research to be financed by transfer from funds available under section 32 of the Act of August 24, 1935, and pursuant to Public Law 88-25;

49 Stat. 774.
7 USC 612c.
77 Stat. 820.

62 Stat. 198.

77 Stat. 20.

Plant and animal disease and pest control: For operations and measures, not otherwise provided for, to control and eradicate pests

61 Stat. 7;
80 Stat. 330.

31 USC 665.

and plant and animal diseases and for carrying out assigned inspection, quarantine, and regulatory activities, as authorized by law, including expenses pursuant to the Act of February 28, 1947, as amended (21 U.S.C. 114b-c), \$86,639,500, of which \$1,500,000 shall be apportioned for use pursuant to section 3679 of the Revised Statutes, as amended, for the control of outbreaks of insects and plant diseases to the extent necessary to meet emergency conditions: *Provided*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by any State of at least 40 per centum: *Provided further*, That the Secretary is authorized to acquire land for plant quarantine control activities presently located at Presidio, Texas: *Provided further*, That, in addition, in emergencies which threaten the livestock or poultry industries of the country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as he may deem necessary, to be available only in such emergencies for the arrest and eradication of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious diseases of animals, or European fowl pest and similar diseases in poultry, and for expenses in accordance with the Act of February 28, 1947, as amended, and any unexpended balances of funds transferred under this head in the next preceding fiscal year shall be merged with such transferred amounts;

Special fund: To provide for additional labor, subprofessional and junior scientific help to be employed under contracts and cooperative agreements to strengthen the work at research installations in the field, not more than \$2,000,000 of the amount appropriated under this head for the previous fiscal year may be used by the Administrator of the Agricultural Research Service in departmental research programs in the current fiscal year, the amount so used to be transferred to and merged with the appropriation otherwise available under "Salaries and expenses, Research".

SALARIES AND EXPENSES (SPECIAL FOREIGN CURRENCY PROGRAM)

80 Stat. 1529.

72 Stat. 871.

For payments, in foreign currencies owed to or owned by the United States for market development research authorized by section 104(b)(1) and for agricultural and forestry research and other functions related thereto authorized by section 104(b)(3) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(b)(1), (3)), to remain available until expended, \$4,500,000; and in addition, the June 30, 1968 unexpended balance of funds appropriated to the President in the Supplemental Appropriation Act, 1959 (Public Law 85-766, approved August 27, 1958) under the heading "Translation of publications and scientific cooperation" shall be merged with this appropriation: *Provided*, That this appropriation shall be available, in addition to other appropriations for these purposes, for payments in the foregoing currencies: *Provided further*, That funds appropriated herein shall be used for payments in such foreign currencies as the Department determines are needed and can be used most effectively to carry out the purposes of this paragraph: *Provided further*, That not to exceed \$25,000 of this appropriation shall be available for payments in foreign currencies for expenses of employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), as amended by 5 U.S.C. 3109.

58 Stat. 742.
80 Stat. 416.

COOPERATIVE STATE RESEARCH SERVICE

PAYMENTS AND EXPENSES

For payments to agricultural experiment stations, for grants for cooperative forestry and other research, for facilities, and for other expenses, including \$52,945,000 to carry into effect the provisions of the Hatch Act, approved March 2, 1887, as amended by the Act approved August 11, 1955 (7 U.S.C. 361a-361i), including administration by the United States Department of Agriculture; \$3,485,000 for grants for cooperative forestry research under the Act approved October 10, 1962 (16 U.S.C. 582a-582a-7); \$2,000,000 in addition to funds otherwise available for contracts and grants for scientific research under the Act of August 4, 1965 (7 U.S.C. 450i) of which \$1,000,000 shall be for the special cotton research program and \$400,000 for soybean research; \$310,000 for penalty mail costs of agricultural experiment stations under section 6 of the Hatch Act of 1887, as amended; and \$365,000, for necessary expenses of the Cooperative State Research Service, including administration of payments to State agricultural experiment stations, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$50,000 for employment under 5 U.S.C. 3109; in all, \$59,105,000.

69 Stat. 671.

76 Stat. 806.

79 Stat. 431.

69 Stat. 673.
7 USC 361f.58 Stat. 742.
80 Stat. 416.

EXTENSION SERVICE

COOPERATIVE EXTENSION WORK, PAYMENTS AND EXPENSES

Payments to States and Puerto Rico: For payments for cooperative agricultural extension work under the Smith-Lever Act, as amended by the Act of June 26, 1953, the Act of August 11, 1955, and the Act of October 5, 1962 (7 U.S.C. 341-349), to be distributed under sections 3(b) and 3(c) of the Act, \$80,082,500; and payments and contracts for such work under section 204(b)-205 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623-1624), \$1,450,000; in all, \$81,532,500: *Provided*, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, shall not be paid to any State or Puerto Rico prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

67 Stat. 83;
69 Stat. 683;
76 Stat. 745.

60 Stat. 1089.

67 Stat. 84;
76 Stat. 745.
7 USC 343.

Retirement and Employees' Compensation costs for extension agents: For cost of employer's share of Federal retirement and for reimbursement for benefits paid from the Employees' Compensation Fund for cooperative extension employees, \$9,318,500.

Penalty mail: For costs of penalty mail for cooperative extension agents and State extension directors, \$3,299,000.

Federal Extension Service: For administration of the Smith-Lever Act, as amended by the Act of June 26, 1953, the Act of August 11, 1955, and the Act of October 5, 1962 (7 U.S.C. 341-349), and extension aspects of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, \$2,838,000.

FARMER COOPERATIVE SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the Act of July 2, 1926 (7 U.S.C. 451-457), and for conducting research relating to the economic and marketing aspects of farmer cooperatives, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627), \$1,341,000.

44 Stat. 802.

SOIL CONSERVATION SERVICE

CONSERVATION OPERATIONS

49 Stat. 163.

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-590f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures as may be necessary to prevent floods and the siltation of reservoirs); operation of conservation nurseries; classification and mapping of soil; dissemination of information; purchase and erection or alteration of permanent buildings; and operation and maintenance of aircraft, \$114,893,000: *Provided*, That the cost of any permanent building purchased, erected, or as improved, exclusive of the cost of constructing a water supply or sanitary system and connecting the same to any such building and with the exception of buildings acquired in conjunction with land being purchased for other purposes, shall not exceed \$2,500, except for one building to be constructed at a cost not to exceed \$25,000 and eight buildings to be constructed or improved at a cost not to exceed \$15,000 per building and except that alterations or improvements to other existing permanent buildings costing \$2,500 or more may be made in any fiscal year in an amount not to exceed \$500 per building: *Provided further*, That no part of this appropriation shall be available for the construction of any such building on land not owned by the Government: *Provided further*, That no part of this appropriation may be expended for soil and water conservation operations under the Act of April 27, 1935 (16 U.S.C. 590a-590f) in demonstration projects: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$5,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the service.

58 Stat. 742.
80 Stat. 416.

WATERSHED PLANNING

68 Stat. 666.

For necessary expenses for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1001-1008), to remain available until expended, \$6,165,000, with which shall be merged the unexpended balances of funds heretofore appropriated under this head: *Provided*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$50,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED PROTECTION

River Basin Surveys and Investigations

68 Stat. 668.

For necessary expenses to conduct research, investigations and surveys of the watersheds of rivers and other waterways, in accordance with section 6 of the Watershed Protection and Flood Prevention Act, approved August 4, 1954, as amended (16 U.S.C. 1006), to remain available until expended; \$8,780,000, with which shall be merged the unexpended balances of funds heretofore appropriated to the Department for river basin survey purposes: *Provided*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225),

and not to exceed \$60,000 shall be available for employment under 5 U.S.C. 3109.

80 Stat. 416.

Works of Improvement

For necessary expenses to carry out preventive measures, including, but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act, approved August 4, 1954, as amended (16 U.S.C. 1001-1005, 1007-1008), and the provisions of the Act of April 27, 1935 (16 U.S.C. 590 a-f), to remain available until expended; \$57,220,000 with which shall be merged the unexpended balances of funds heretofore appropriated or transferred to the Department for watershed protection purposes: *Provided*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$100,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That \$3,000,000 of the funds in the direct loan account of the Farmers Home Administration shall be available until expended for loans.

68 Stat. 666.

49 Stat. 163.

58 Stat. 742.

FLOOD PREVENTION

For necessary expenses, in accordance with the Flood Control Act, approved June 22, 1936 (33 U.S.C. 701-709, 16 U.S.C. 1006a), as amended and supplemented, and in accordance with the provisions of laws relating to the activities of the Department, to perform works of improvement, including funds for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$100,000 for employment under 5 U.S.C. 3109, to remain available until expended; \$20,000,000, with which shall be merged the unexpended balances of funds heretofore appropriated or transferred to the Department for flood prevention purposes: *Provided*, That \$400,000 of funds in the direct loan account of the Farmers Home Administration shall be available until expended for loans.

49 Stat. 1570;
70 Stat. 1090.

GREAT PLAINS CONSERVATION PROGRAM

For necessary expenses to carry into effect a program of conservation in the Great Plains area, pursuant to section 16(b) of the Soil Conservation and Domestic Allotment Act, as added by the Act of August 7, 1956 (16 U.S.C. 590p), \$16,000,000, to remain available until expended.

70 Stat. 1115.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development, and for sound land use, pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1011; 76 Stat. 607), and the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), \$6,256,000, to remain available until expended: *Provided*, That \$1,500,000 of the funds available in the direct loan account of the Farmers Home Administration shall be available for loans under subtitle A of the Consolidated Farmers Home Administration Act of 1961, as amended, to remain available until expended: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$50,000 shall be available for employment under 5 U.S.C. 3109.

ECONOMIC RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Economic Research Service in conducting economic research and service relating to agricultural production, marketing, and distribution, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627), and other laws, including economics of marketing; analyses relating to farm prices, income and population, and demand for farm products, use of resources in agriculture, adjustments, costs and returns in farming, and farm finance; and for analyses of supply and demand for farm products in foreign countries and their effect on prospects for United States exports, progress in economic development and its relation to sales of farm products, assembly and analysis of agricultural trade statistics and analysis of international financial and monetary programs and policies as they affect the competitive position of United States farm products; \$12,789,000: *Provided*, That not less than \$350,000 of the funds contained in this appropriation shall be available to continue to gather statistics and conduct a special study on the price spread between the farmer and consumer: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That not less than \$145,000 of the funds contained in this appropriation shall be available for analysis of statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis.

60 Stat. 1087.

58 Stat. 742.

80 Stat. 416.

STATISTICAL REPORTING SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Statistical Reporting Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, and marketing surveys, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627) and other laws, \$14,326,000: *Provided*, That no part of the funds herein appropriated shall be available for any expense incident to publishing estimates of apple production for other than the commercial crop: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$40,000 shall be available for employment under 5 U.S.C. 3109.

CONSUMER AND MARKETING SERVICE

CONSUMER PROTECTIVE, MARKETING, AND REGULATORY PROGRAMS

For expenses necessary to carry on services related to consumer protection, agricultural marketing and distribution, and regulatory programs, other than Packers and Stockyards Act, as authorized by law, and for administration and coordination of payments to States; including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$25,000 for employment under 5 U.S.C. 3109, in carrying out section 201(a) to 201(d), inclusive, of title II of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1291) and section 203(j) of the Agricultural Marketing Act of 1946; \$116,264,500, of which \$13,440,250 shall be placed in reserve to be released only after the inspection activities of this service have been

42 Stat. 159.
7 USC 181.52 Stat. 36.
60 Stat. 1088.
7 USC 1622.

fully coordinated and placed on an efficient and economical operating basis: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2225) for the alteration and repair of buildings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed \$7,500 or 7.5 per centum of the cost of the building, whichever is greater.

58 Stat. 742.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), \$1,750,000.

60 Stat. 1089.

SPECIAL MILK PROGRAM

For necessary expenses to carry out the Special Milk Program, as authorized by the Child Nutrition Act of 1966 (42 U.S.C. 1772), \$104,000,000, to be transferred from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c).

80 Stat. 885.

49 Stat. 774.

SCHOOL LUNCH PROGRAM

For necessary expenses to carry out the provisions of the National School Lunch Act, as amended (42 U.S.C. 1751-1760) and the applicable provisions of the Child Nutrition Act of 1966 (42 U.S.C. 1773-1785), \$178,474,000, including \$10,000,000 for special assistance to needy schools, \$3,500,000 for the pilot school breakfast program, \$750,000 for the nonfood assistance program: *Provided*, That no part of this appropriation shall be used for nonfood assistance under section 5 of the National School Lunch Act, as amended: *Provided further*, That \$64,325,000 shall be transferred to this appropriation from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), for purchase and distribution of agricultural commodities and other foods pursuant to section 6 of the National School Lunch Act.

60 Stat. 230;
76 Stat. 944.

80 Stat. 886.

60 Stat. 231.
42 USC 1754.

49 Stat. 774.

42 USC 1755.

FOOD STAMP PROGRAM

For necessary expenses of the food stamp program pursuant to the Food Stamp Act of 1964, as amended, \$225,000,000, of which \$25,000,000 shall be placed in reserve to be used only to the extent required during the current fiscal year after various corrections are made in the handling of the program: *Provided*, That not to exceed \$1,000,000 of this appropriation shall be available for the payment of obligations incurred under the appropriation for similar purposes for the preceding fiscal year.

78 Stat. 703;
81 Stat. 228.
7 USC 2011
note.

REMOVAL OF SURPLUS AGRICULTURAL COMMODITIES

(SECTION 32)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for (1) transfers to the Department of the Interior as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; (3) not more than \$2,950,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and the Agricultural Act of 1961; and (4) not more than \$45,000,000 (including not to exceed \$1,000,000 for State administrative expenses) for (a) child feeding programs and nutritional programs authorized by law in

70 Stat. 1119.
16 USC 742a
note.50 Stat. 246.
7 USC 674
note.75 Stat. 294.
7 USC 1911
note.

42 USC 1751
note, 1771 note.

the School Lunch Act and the Child Nutrition Act, as amended; and (b) additional direct distribution or other programs, without regard to whether such area is under the food stamp program or a system of direct distribution, to provide, in the immediate vicinity of their place of permanent residence, either directly or through a State or local welfare agency, an adequate diet to other needy children and low-income persons determined by the Secretary of Agriculture to be suffering, through no fault of their own, from general and continued hunger resulting from insufficient food: *Provided*, That in making such determinations, the Secretary shall take into consideration the age; income; location and income of parents, if a minor; and employability.

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

68 Stat. 908.

70 Stat. 1034.

49 Stat. 774.

For necessary expenses for the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761-1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed \$35,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$21,541,300: *Provided*, That not less than \$255,000 of the funds contained in this appropriation shall be available to obtain statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis: *Provided further*, That, in addition, not to exceed \$3,117,000 of the funds appropriated by section 32 of the Act of August 24, 1935, as amended (7 U.S.C. 612c), shall be merged with this appropriation and shall be available for all expenses of the Foreign Agricultural Service.

COMMODITY EXCHANGE AUTHORITY

SALARIES AND EXPENSES

42 Stat. 998;
49 Stat. 1491.

For necessary expenses to carry into effect the provisions of the Commodity Exchange Act, as amended (7 U.S.C. 1-17a), \$1,530,000.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

EXPENSES, AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

52 Stat. 38.
61 Stat. 922;
79 Stat. 1271.

49 Stat. 1148.
70 Stat. 191;
73 Stat. 552;
79 Stat. 1206.

For necessary administrative expenses of the Agricultural Stabilization and Conservation Service, including expenses to formulate and carry out programs authorized by title III of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301-1393); Sugar Act of 1948, as amended (7 U.S.C. 1101-1161); sections 7 to 15, 16(a), 16(d), 16(e), 16(f), 16(i), and 17 of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590g-590q); subtitles B and C of the Soil Bank Act (7 U.S.C. 1831-1837, 1802-1814, and 1816); and laws pertaining to the Commodity Credit Corporation, \$141,031,400: *Provided*, That, in addition, not to exceed \$62,764,100 may be transferred to and merged with this appropriation from the Commodity Credit Corporation fund (including not to exceed \$27,205,000 under the limitation on Commodity Credit Corporation administrative expenses): *Provided further*, That other funds made available to the Agricultural Stabilization and Conservation Service for authorized activities may be advanced to and merged with this appropriation: *Provided further*, That no part of the funds appropriated or made available under this Act shall be used (1) to influence the vote in any

referendum; (2) to influence agricultural legislation, except as permitted in 18 U.S.C. 1913; or (3) for salaries or other expenses of members of county and community committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, for engaging in any activities other than advisory and supervisory duties and delegated program functions prescribed in administrative regulations.

62 Stat. 792.

52 Stat. 31.
16 USC 590h.

SUGAR ACT PROGRAM

For necessary expenses to carry into effect the provisions of the Sugar Act of 1948 (7 U.S.C. 1101-1161), \$82,000,000, to remain available until June 30 of the next succeeding fiscal year.

61 Stat. 922;
79 Stat. 1271.

AGRICULTURAL CONSERVATION PROGRAM

For necessary expenses to carry into effect the program authorized in sections 7 to 15, 16(a), and 17 of the Soil Conservation and Domestic Allotment Act, approved February 29, 1936, as amended (16 U.S.C. 590g-590(o), 590p(a), and 590q), including not to exceed \$6,000 for the preparation and display of exhibits, including such displays at State, interstate, and international fairs within the United States, \$190,000,000, to remain available until December 31 of the next succeeding fiscal year for compliance with the programs of soil-building and soil- and water-conserving practices authorized under this head in the Department of Agriculture and Related Agencies Appropriation Acts, 1967 and 1968, carried out during the period July 1, 1966, to December 31, 1968, inclusive: *Provided*, That none of the funds herein appropriated shall be used to pay the salaries or expenses of any regional information employees or any State information employees, but this shall not preclude the answering of inquiries or supplying of information at the county level to individual farmers: *Provided further*, That no portion of the funds for the current year's program may be utilized to provide financial or technical assistance for drainage on wetlands now designated as Wetland Types 3 (III), 4 (IV), and 5 (V) in United States Department of the Interior, Fish and Wildlife Circular 39, Wetlands of the United States, 1956: *Provided further*, That necessary amounts shall be available for administrative expenses in connection with the formulation and administration of the 1969 program of soil-building and soil- and water-conserving practices, including related wildlife conserving practices, under the Act of February 29, 1936, as amended (amounting to \$195,500,000, excluding administration, except that no participant shall receive more than \$2,500, except where the participants from two or more farms or ranches join to carry out approved practices designed to conserve or improve the agricultural resources of the community): *Provided further*, That not to exceed 5 per centum of the allocation for the current year's agricultural conservation program for any county may, on the recommendation of such county committee and approval of the State committee, be withheld and allotted to the Soil Conservation Service for services of its technicians in formulating and carrying out the agricultural conservation program in the participating counties, and shall not be utilized by the Soil Conservation Service for any purpose other than technical and other assistance in such counties, and in addition, on the recommendation of such county committee and approval of the State committee, not to exceed 1 per centum may be made available to any other Federal, State, or local public agency for the same purpose and under the same conditions: *Provided further*, That for the current

49 Stat. 1148.

80 Stat. 696;
81 Stat. 328.

year's program \$2,500,000 shall be available for technical assistance in formulating and carrying out agricultural conservation practices: *Provided further*, That such amounts shall be available for the purchase of seeds, fertilizers, lime, trees, or any other farming material, or any soil-terracing services, and making grants thereof to agricultural producers to aid them in carrying out farming practices approved by the Secretary under programs provided for herein: *Provided further*, That no part of any funds available to the Department, or any bureau, office, corporation, or other agency constituting a part of such Department, shall be used in the current fiscal year for the payment of salary or travel expenses of any person who has been convicted of violating the Act entitled "An Act to prevent pernicious political activities", approved August 2, 1939, as amended, or who has been found in accordance with the provisions of title 18, United States Code, section 1913, to have violated or attempted to violate such section which prohibits the use of Federal appropriations for the payment of personal services or other expenses designed to influence in any manner a Member of Congress to favor or oppose any legislation or appropriation by Congress except upon request of any Member or through the proper official channels.

53 Stat. 1147;
54 Stat. 767.
5 USC 1501,
7324.
62 Stat. 792.

CROPLAND ADJUSTMENT PROGRAM

For necessary expenses to carry into effect a cropland adjustment program as authorized by the Food and Agriculture Act of 1965 (7 U.S.C. 1838), \$84,500,000.

79 Stat. 1206.

CONSERVATION RESERVE PROGRAM

For necessary expenses to carry out a conservation reserve program as authorized by subtitles B and C of the Soil Bank Act (7 U.S.C. 1831-1837, 1802-1814, and 1816), and to carry out liquidation activities for the acreage reserve program, to remain available until expended, \$109,000,000, with which may be merged the unexpended balances of funds heretofore appropriated for soil bank programs: *Provided*, That no part of these funds shall be paid on any contract which is illegal under the law due to the division of lands for the purpose of evading limits on annual payments to participants.

70 Stat. 191;
73 Stat. 552;
79 Stat. 1206.

EMERGENCY CONSERVATION MEASURES

For emergency conservation measures, to be used for the same purposes and subject to the same conditions as funds appropriated under this head in the Third Supplemental Appropriation Act, 1957, to remain available until expended, \$5,000,000, with which shall be merged the unexpended balances of funds heretofore appropriated for emergency conservation measures.

71 Stat. 176.

RURAL COMMUNITY DEVELOPMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Rural Community Development Service in providing leadership and related services in carrying out the rural areas development activities of the Department, \$463,000: *Provided*, That not to exceed \$3,000 shall be available for employment under 5 U.S.C. 3109.

80 Stat. 416.

OFFICE OF THE INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$10,000 for employment under 5 U.S.C. 3109, \$12,426,000.

58 Stat. 742.

80 Stat. 416.

PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for administration of the Packers and Stockyards Act, as authorized by law, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$5,000 for employment under 5 U.S.C. 3109, \$2,815,300.

42 Stat. 159.

7 USC 181.

OFFICE OF THE GENERAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses, including payment of fees or dues for the use of law libraries by attorneys in the field service, \$4,611,000.

OFFICE OF INFORMATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Information for the dissemination of agricultural information and the coordination of informational work and programs authorized by Congress in the Department, \$1,997,000, of which total appropriation not to exceed \$587,000 may be used for farmers' bulletins, which shall be adapted to the interests of the people of the different sections of the country, an equal proportion of four-fifths of which shall be available to be delivered to or sent out under the addressed franks furnished by the Senators, Representatives, and Delegates in Congress, as they shall direct (7 U.S.C. 417), and not less than two hundred and thirty-two thousand two hundred and fifty copies for the use of the Senate and House of Representatives of part 2 of the annual report of the Secretary (known as the Yearbook of Agriculture) as authorized by section 73 of the Act of January 12, 1895 (44 U.S.C. 241): *Provided*, That in the preparation of motion pictures or exhibits by the Department, this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$10,000 shall be available for employment under 5 U.S.C. 3109.

34 Stat. 690.

28 Stat. 612.

NATIONAL AGRICULTURAL LIBRARY

SALARIES AND EXPENSES

For necessary expenses of the National Agricultural Library, \$3,292,750: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$35,000 shall be available for employment under 5 U.S.C. 3109.

OFFICE OF MANAGEMENT SERVICES

SALARIES AND EXPENSES

For necessary expenses to enable the Office of Management Services to provide management support services to selected agencies and offices of the Department of Agriculture, \$2,841,600.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of Agriculture and for general administration of the Department of Agriculture, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department of Agriculture, and not to exceed \$5,000 for employment under 5 U.S.C. 3109, \$4,614,000: *Provided*, That this appropriation shall be reimbursed from applicable appropriations for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551-558: *Provided further*, That not to exceed \$2,500 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

80 Stat. 416.

80 Stat. 381;
81 Stat. 54.

TITLE II—CREDIT AGENCIES

RURAL ELECTRIFICATION ADMINISTRATION

To carry into effect the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901-924), as follows:

49 Stat. 1363;
63 Stat. 948.

LOAN AUTHORIZATIONS

For loans in accordance with said Act, and for carrying out the provisions of section 7 thereof, to be borrowed from the Secretary of the Treasury in accordance with the provisions of section 3(a) of said Act, and to remain available without fiscal year limitation in accordance with section 3(e) of said Act, as follows: rural electrification program, \$329,000,000, and rural telephone program, \$120,000,000.

7 USC 907.

61 Stat. 546.
7 USC 903.

SALARIES AND EXPENSES

For administrative expenses, including not to exceed \$500 for financial and credit reports, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$150,000 for employment under 5 U.S.C. 3109, \$12,805,000.

58 Stat. 742.

FARMERS HOME ADMINISTRATION

DIRECT LOAN ACCOUNT

Direct loans and advances under subtitles A and B, and advances under section 335(a) for which funds are not otherwise available, of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1921), as amended, may be made from funds available in the Farmers Home Administration direct loan account as follows: real estate loans, \$83,000,000; and operating loans, \$275,000,000.

75 Stat. 307.

RURAL HOUSING DIRECT LOAN ACCOUNT

For direct loans and related advances pursuant to section 518(d) of the Housing Act of 1949 (42 U.S.C. 1488), \$30,000,000 shall be available from funds in the rural housing direct loan account. Hereafter, farmer applicants for direct or insured rural housing loans shall be required to provide only such collateral security as is required of owners of nonfarm tracts.

79 Stat. 500.

RURAL WATER AND WASTE DISPOSAL GRANTS

For grants pursuant to sections 306(a)(2) and 306(a)(6) of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1926), \$28,000,000.

79 Stat. 931.

RURAL RENEWAL

For necessary expenses, including administrative expenses, in carrying out rural renewal activities under section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1010, 1011(e)), \$1,600,000, to remain available until expended.

76 Stat. 607;
80 Stat. 1478.

RURAL HOUSING FOR DOMESTIC FARM LABOR

For financial assistance to public nonprofit organizations for housing for domestic farm labor, pursuant to section 516 of the Housing Act of 1949, as amended (42 U.S.C. 1486), \$4,250,000, to remain available until expended.

78 Stat. 797.

SALARIES AND EXPENSES

For necessary expenses of the Farmers Home Administration, not otherwise provided for, in administering the programs authorized by the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1921-1990), as amended, title V of the Housing Act of 1949, as amended (42 U.S.C. 1471-1490), and the Rural Rehabilitation Corporation Trust Liquidation Act, approved May 3, 1950 (40 U.S.C. 440-444), \$57,980,000, together with not more than \$2,250,000 of the charges collected in connection with the insurance of loans as authorized by section 309(e) of the Consolidated Farmers Home Administration Act of 1961, as amended, and section 514(b)(3) of the Housing Act of 1949, as amended: *Provided*, That, in addition, not to exceed \$500,000 of the funds available for the various programs administered by this agency may be transferred to this appropriation for temporary field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) to meet unusual or heavy workload increases: *Provided further*, That no part of any funds in this paragraph may be used to administer a program which makes rural housing grants pursuant to section 504 of the Housing Act of 1949, as amended.

75 Stat. 307.
63 Stat. 432;
79 Stat. 498.
64 Stat. 98.75 Stat. 309.
7 USC 1929.75 Stat. 187.
42 USC 1484.

58 Stat. 742.

63 Stat. 434.
42 USC 1474.

TITLE III—CORPORATIONS

The following corporations and agencies are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided:

61 Stat. 584.
31 USC 849.

FEDERAL CROP INSURANCE CORPORATION

ADMINISTRATIVE AND OPERATING EXPENSES

For administrative and operating expenses, \$11,243,500.

FEDERAL CROP INSURANCE CORPORATION FUND

Not to exceed \$2,140,000 of administrative and operating expenses may be paid from premium income.

COMMODITY CREDIT CORPORATION

REIMBURSEMENT FOR NET REALIZED LOSSES

To partially reimburse the Commodity Credit Corporation for net realized losses sustained but not previously reimbursed, pursuant to the Act of August 17, 1961 (15 U.S.C. 713a-11, 713a-12), \$3,188,112,500, of which \$350,467,000 is for liquidation of contract authorization: *Provided*, That no funds appropriated by this Act shall be used to formulate or administer programs for the sale of agricultural commodities pursuant to title I of Public Law 480, 83d Congress, as amended, to any nation which sells or furnishes or which permits ships or aircraft under its registry to transport to North Vietnam any equipment, materials or commodities, so long as North Vietnam is governed by a Communist regime.

75 Stat. 391.

80 Stat. 1526.
7 USC 1701-
1710.

LIMITATION ON ADMINISTRATIVE EXPENSES

Nothing in this Act shall be so construed as to prevent the Commodity Credit Corporation from carrying out any activity or any program authorized by law: *Provided*, That not to exceed \$31,500,000 shall be available for administrative expenses of the Corporation: *Provided further*, That \$945,000 of this authorization shall be available only to expand and strengthen the sales program of the Corporation pursuant to authority contained in the Corporation's charter: *Provided further*, That not less than 7 per centum of this authorization shall be placed in reserve to be apportioned pursuant to section 3679 of the Revised Statutes, as amended, for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided further*, That all necessary expenses (including legal and special services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Corporation or in which it has an interest, including expenses of collections of pledged collateral, shall be considered as nonadministrative expenses for the purposes hereof.

31 USC 665.

PUBLIC LAW 480

For expenses during fiscal year 1969, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1701-1710, 1721-1725, 1731-1736d), to remain available until expended, as follows: (1) sale of agricultural commodities for foreign currencies and for dollars on credit terms pursuant to title I of said Act, \$100,000,000: *Provided*, That any unexpended balances of appropriations heretofore available under this heading for title I of said Act may be merged with this appropriation; and (2) commodities disposed of and other costs incurred in connection with donations abroad, pursuant to title II of said Act, \$200,000,000.

80 Stat. 1526.

80 Stat. 1534.
7 USC 1721-
1725.

TITLE IV—RELATED AGENCIES

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$3,436,000 (from assessments collected from farm credit agencies) shall be obligated during the current fiscal year for administrative expenses.

TITLE V—GENERAL PROVISIONS

SEC. 501. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed six hundred and twenty-six (626) passenger motor vehicles, of which four hundred and fifty-seven (457) shall be for replacement only, and for the hire of such vehicles.

Passenger motor vehicles.

SEC. 502. Provisions of law prohibiting or restricting the employment of aliens shall not apply to employment under the appropriation for the Foreign Agricultural Service.

Employment of aliens.

SEC. 503. Funds available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902).

Uniforms, allowances.

SEC. 504. No part of the funds appropriated by this Act shall be used for the payment of any officer or employee of the Department who, as such officer or employee, or on behalf of the Department or any division, commission, or bureau thereof, issues, or causes to be issued, any prediction, oral or written, or forecast, except as to damage threatened or caused by insects and pests, with respect to future prices of cotton or the trend of same.

80 Stat. 508;
81 Stat. 206.
Cotton prices,
prediction.

SEC. 505. Except to provide materials required in or incident to research or experimental work where no suitable domestic product is available, no part of the funds appropriated by this Act shall be expended in the purchase of twine manufactured from commodities or materials produced outside of the United States.

Twine.

SEC. 506. Not less than \$1,500,000 of the appropriations of the Department for research and service work authorized by the Acts of August 14, 1946, July 28, 1954, and September 6, 1958 (7 U.S.C. 427, 1621-1629; 42 U.S.C. 1891-1893), shall be available for contracting in accordance with said Acts.

Contracting funds.

60 Stat. 1082;
68 Stat. 574;
72 Stat. 1793.

SEC. 507. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 508. None of the funds in this Act shall be available to finance interdepartmental boards, commissions, councils, committees, or similar groups under sec. 214 of the Independent Offices Appropriation Act, 1946 (31 U.S.C. 691) which do not have prior and specific Congressional approval of such method of financial support.

Interdepartmental groups, expenses.

59 Stat. 134.

SEC. 509. No part of the funds appropriated under this Act shall be used to pay salaries of any Federal employee who is convicted in any Federal, State, or local court of competent jurisdiction, of inciting, promoting, or carrying on a riot, or any group activity resulting in material damage to property or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned.

Persons inciting riots, etc., prohibition of payments.

Short title.

This Act may be cited as the "Department of Agriculture and Related Agencies Appropriation Act, 1969".

Approved August 8, 1968.

Public Law 90-464

August 8, 1968
[H. R. 18188]

AN ACT

Making appropriations for the Department of Transportation for the fiscal year ending June 30, 1969, and for other purposes.

Department of
Transportation
Appropriation
Act, 1969.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation for the fiscal year ending June 30, 1969, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

81 Stat. 206.

For necessary expenses of the Office of the Secretary of Transportation, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); hire of passenger motor vehicles; not to exceed \$24,500 for allocation within the Department for official reception and representation expenses as the Secretary may determine; \$9,800,000: *Provided*, That whenever the Secretary determines that staff functions being performed elsewhere in the Department could be performed more economically and effectively by the Office of the Secretary, he may, during the fiscal year 1969, transfer such functions to the Office of the Secretary.

TRANSPORTATION RESEARCH

Ante, p. 126.

For necessary expenses for conducting transportation research activities, including the collection of national transportation statistics, \$6,000,000, of which \$1,600,000 shall be available only for the study of the existing motor vehicle accident compensation system authorized in Public Law 90-313, to remain available until expended.

COAST GUARD

OPERATING EXPENSES

80 Stat. 416.

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for, including hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; purchase of not to exceed sixteen passenger motor vehicles for replacement only; maintenance, operation, and repair of aircraft; recreation and welfare; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); \$362,000,000: *Provided*, That the number of aircraft on hand at any one time shall not exceed one hundred and ninety exclusive of planes and parts stored to meet future attrition: *Provided further*, That, without regard to any provisions of law or Executive order prescribing minimum flight requirements, Coast Guard regulations which establish proficiency standards and maximum and minimum flying hours for this purpose may provide for the payment of flight pay at the rates prescribed in section 301 of title 37, United States Code, to certain members of the Coast Guard otherwise entitled to receive flight pay during the current fiscal year (1) who have held aeronautical ratings or designations for not less than fifteen years, or (2) whose particular assignment outside the United States or in Alaska, makes it impractical to participate in regular aerial flights: *Provided further*,

76 Stat. 461.

That amounts equal to the obligated balances against the appropriations for "Operating expenses" for the two preceding years, shall be transferred to and merged with this appropriation, and such merged appropriation shall be available as one fund, except for accounting purposes of the Coast Guard, for the payment of obligations properly incurred against such prior year appropriations and against this appropriation: *Provided further*, That, except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236-244), this appropriation shall be available for expenses of primary and secondary schooling for dependents of Coast Guard personnel stationed outside the continental United States as costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents, and the Coast Guard may provide for the transportation of said dependents between such schools and their places of residence when the schools are not accessible to such dependents by regular means of transportation.

School expenses
for dependents.
64 Stat. 1100.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and services as authorized by 5 U.S.C. 3109; \$90,000,000, to remain available until expended.

80 Stat. 416.

RESERVE TRAINING

For all necessary expenses for the Coast Guard Reserve, as authorized by law, including repayment to other Coast Guard appropriations for indirect expenses, for regular personnel, or reserve personnel while on active duty, engaged primarily in administration and operation of the reserve program; maintenance and operation of facilities; supplies, equipment, and services; and the maintenance, operation, and repair of aircraft; \$25,000,000: *Provided*, That amounts equal to the obligated balances against the appropriations for "Reserve training" for the two preceding years shall be transferred to and merged with this appropriation, and such merged appropriation shall be available as one fund, except for accounting purposes of the Coast Guard, for the payment of obligations properly incurred against such prior year appropriations and against this appropriation.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection Plan, \$51,000,000.

70A Stat. 108.
10 USC 1431-
1446.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

For necessary expenses, not otherwise provided for, for basic and applied scientific research, development, test and evaluation; services as authorized by 5 U.S.C. 3109; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$4,000,000, to remain available until expended.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including administrative expenses for research and development and for establishment of air navigation facilities, and carrying out the provisions of the Federal Airport Act; and purchase and repair of skis and snowshoes; \$670,954,000: *Provided*, That there may be credited to this appropriation, funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the maintenance and operation of air navigation facilities.

60 Stat. 170.
49 USC 1101
note.

FACILITIES AND EQUIPMENT

For an additional amount for the acquisition, establishment, and improvement by contract or purchase and hire of air navigation and experimental facilities, including the initial acquisition of necessary sites by lease or grant; the construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available, but at a total cost of construction of not to exceed \$50,000 per housing unit in Alaska; \$120,000,000, to remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment of air navigation facilities: *Provided further*, That no part of the foregoing appropriation shall be available for the construction of a new wind tunnel, or to purchase any land for or in connection with the National Aviation Facilities Experimental Center.

RESEARCH AND DEVELOPMENT

For expenses, not otherwise provided for, necessary for research, development, and service testing in accordance with the provisions of the Federal Aviation Act (49 U.S.C. 1301-1542), including construction of experimental facilities and acquisition of necessary sites by lease or grant, \$27,000,000, to remain available until expended.

72 Stat. 731.

OPERATION AND MAINTENANCE, NATIONAL CAPITAL AIRPORTS

For expenses incident to the care, operation, maintenance, improvement and protection of the federally owned civil airports in the vicinity of the District of Columbia, including purchase of eight passenger motor vehicles for police use, of which seven are for replacement only, which may exceed by \$300 the general purchase price limitation for the current fiscal year; purchase, cleaning and repair of uniforms; and arms and ammunition; \$8,900,000.

CONSTRUCTION, NATIONAL CAPITAL AIRPORTS

For necessary expenses for construction at the federally owned civil airports in the vicinity of the District of Columbia, \$700,000, to remain available until expended.

GRANTS-IN-AID FOR AIRPORTS

For grants-in-aid for airports pursuant to the provisions of the Federal Airport Act, as amended, for the fiscal year 1970, \$30,000,000, to remain available until expended.

AVIATION WAR RISK INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures, within the limits of funds available pursuant to section 1306 of the Act of August 23, 1958 (49 U.S.C. 1536), and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 849), as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for aviation war risk insurance activities under said Act.

72 Stat. 803.

61 Stat. 584.

REDUCTION IN APPROPRIATIONS

Appropriations heretofore granted under the head "Civil Supersonic Aircraft Development" are reduced by the sum of \$30,000,000.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL EXPENSES

For necessary expenses, not otherwise provided, for administration, operation, and research of the Federal Highway Administration, as authorized by law, not to exceed \$65,556,000 shall be paid, in accordance with law, from the appropriation "Federal-Aid Highways (trust fund)" (including advances and reimbursements): *Provided*, That appropriations available to the Federal Highway Administration shall be available for hire of passenger motor vehicles; uniforms or allowances therefor authorized by law (5 U.S.C. 5901-5902); and services as authorized by 5 U.S.C. 3109: *Provided further*, That of the total amount made available during the current fiscal year for administration, operation, and research expenses of the Federal-aid highway programs, not to exceed \$12,718,000 shall be available for support and services furnished by elements of the Federal Highway Administration other than the Bureau of Public Roads and by other Federal agencies.

81 Stat. 206.

80 Stat. 416.

FEDERAL-AID HIGHWAYS (TRUST FUND)

For carrying out the provisions of title 23, United States Code, which are attributable to Federal-aid highways, to remain available until expended, \$4,155,370,000, or so much thereof as may be available in and derived from the "Highway trust fund"; which sum is composed of \$587,218,731, the balance of the amount authorized for the fiscal year 1967, and \$3,552,518,466 (or so much thereof as may be available in and derived from the "Highway trust fund"), a part of the amount authorized to be appropriated for the fiscal year 1968, \$15,499,136 for reimbursement of the sum expended for the repair or reconstruction of highways and bridges which have been damaged or destroyed by floods, hurricanes, or landslides, as provided by title 23, United States Code, section 125, and \$133,667 for reimbursement of the sums expended for the design and construction of bridges upon and across dams, as provided by title 23, United States Code, section 320.

72 Stat. 885.
23 USC 101 et
seq.73 Stat. 612;
80 Stat. 769.

72 Stat. 917.

HIGHWAY BEAUTIFICATION

For necessary administrative expenses in carrying out the provisions of title 23, United States Code, sections 131, 136, and 319(b), as authorized by section 402 of the Highway Beautification Act of 1965, \$1,000,000.

79 Stat. 1028-
1032.
23 USC 131
note.

TRAFFIC AND HIGHWAY SAFETY

80 Stat. 416.

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety, including services authorized by 5 U.S.C. 3109; \$26,500,000, together with \$1,200,000 to be transferred from the appropriation for "State and community highway safety (Liquidation of contract authorization)."

STATE AND COMMUNITY HIGHWAY SAFETY (LIQUIDATION OF CONTRACT AUTHORIZATION)

80 Stat. 731.

For the payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 402, to remain available until expended, \$50,000,000, of which not to exceed \$1,200,000 may be advanced to the appropriation "Traffic and highway safety" for administration of this program.

MOTOR CARRIER SAFETY

49 USC 1655.

For necessary expenses to carry out motor carrier safety functions of the Secretary, as authorized by the Department of Transportation Act (80 Stat. 939-40): \$2,012,000.

FOREST HIGHWAYS (LIQUIDATION OF CONTRACT AUTHORIZATION)

72 Stat. 906.

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 204, pursuant to contract authorization granted by title 23, United States Code, section 203, to remain available until expended, \$29,000,000, which sum is composed of \$7,950,000, the balance of the amount authorized to be appropriated for the fiscal year 1967, and \$21,050,000, a part of the amount authorized to be appropriated for the fiscal year 1968: *Provided*, That this appropriation shall be available for the rental, purchase, construction, or alteration of buildings and sites necessary for the storage and repair of equipment and supplies used for road construction and maintenance but the total cost of any such item under this authorization shall not exceed \$15,000.

PUBLIC LANDS HIGHWAYS (LIQUIDATION OF CONTRACT AUTHORIZATION)

78 Stat. 397.

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 209, pursuant to the contract authorization granted by title 23, United States Code, section 203, to remain available until expended, \$7,600,000, which sum is a part of the amount authorized to be appropriated for the fiscal year 1968.

INTER-AMERICAN HIGHWAY

For necessary expenses for construction of the Inter-American Highway, in accordance with the provisions of section 212 of title 23 of the United States Code, \$2,000,000, to remain available until expended.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

SALARIES AND EXPENSES

For necessary expenses of the Federal Railroad Administration, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109; \$900,000.

81 Stat. 206.
80 Stat. 416.

BUREAU OF RAILROAD SAFETY

For necessary expenses of the Bureau of Railroad Safety, not otherwise provided for, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109; \$3,700,000.

HIGH-SPEED GROUND TRANSPORTATION RESEARCH AND DEVELOPMENT

For necessary expenses for research, development, and demonstrations in high-speed ground transportation, \$13,000,000, to remain available until expended.

RAILROAD RESEARCH

For necessary expenses for conducting railroad research activities, \$300,000, to remain available until expended.

ALASKA RAILROAD

ALASKA RAILROAD REVOLVING FUND

The Alaska Railroad Revolving Fund shall continue available until expended for the work authorized by law, including operation and maintenance of oceangoing or coastwise vessels by ownership, charter, or arrangement with other branches of the Government service, for the purpose of providing additional facilities for transportation of freight, passengers, or mail, when deemed necessary for the benefit and development of industries or travel in the area served; and payment of compensation and expenses as authorized by 5 U.S.C. 8146, to be reimbursed as therein provided: *Provided*, That no employee shall be paid an annual salary out of said fund in excess of the salaries prescribed by the Classification Act of 1949, as amended, for grade GS-15, except the general manager of said railroad, one assistant general manager at not to exceed the salaries prescribed by said Act for GS-17, and five officers at not to exceed the salaries prescribed by said Act for grade GS-16.

80 Stat. 553.

63 Stat. 954.

5 USC 5332
note.

URBAN MASS TRANSPORTATION ADMINISTRATION

URBAN MASS TRANSPORTATION GRANTS

For an additional amount for grants as authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), to remain available until expended, \$175,000,000 for the fiscal year 1970, of which \$30,000,000 shall be available only for research, development, and demonstration grants.

78 Stat. 302.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such Corporation, except as hereinafter provided.

61 Stat. 584.
31 USC 849.

LIMITATION ON ADMINISTRATIVE EXPENSES, SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Not to exceed \$550,000 shall be available for administrative expenses which shall be computed on an accrual basis, including not to exceed \$3,000 for official entertainment expenses to be expended upon the approval or authority of the Secretary of Transportation, hire of passenger motor vehicles, uniforms or allowances therefor for operation and maintenance personnel, as authorized by law (5 U.S.C. 5901-5902), and \$5,000 for services as authorized by 5 U.S.C. 3109.

81 Stat. 206.
80 Stat. 416.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including employment of temporary guards on a contract or fee basis; hire, operation, maintenance, and repair of aircraft; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); \$4,500,000.

TITLE II

GENERAL PROVISIONS

SEC. 201. During the current fiscal year applicable appropriations to the Federal Aviation Administration shall be available for the Federal Aviation Administration to conduct the activities specified in the Act of October 26, 1949, 63 Stat. 907, as amended, under determinations and regulations by the Administrator of the Federal Aviation Administration; maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

15 USC 1514.

SEC. 202. Funds appropriated under this Act for expenditure by the Federal Aviation Administration may be expended for reimbursement of other Federal agencies for expenses incurred, on behalf of the Federal Aviation Administration, in the settlement of claims for damages resulting from sonic boom in connection with research conducted as part of the civil supersonic aircraft development.

SEC. 203. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of \$65,000,000 in fiscal year 1969 for "State and Community Highway Safety".

SEC. 204. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of \$29,000,000, exclusive of the reimbursable program, in fiscal year 1969 for "Forest Highways".

SEC. 205. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for

which are in excess of \$12,500,000 in fiscal year 1969 for "Public Lands Highways".

SEC. 206. None of the funds in this Act shall be available to finance interdepartmental boards, commissions, councils, committees, or similar groups under sec. 214 of the Independent Offices Appropriation Act, 1946 (31 U.S.C. 691) which do not have prior and specific Congressional approval of such method of financial support.

SEC. 207. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 208. None of the funds in this Act shall be available either for planning for, or provision of, subsidized automobile repair or free transportation services.

SEC. 209. None of the money appropriated hereby shall be used to make any payment on any lease purchase contract for jet airplanes to be used by the Federal Aviation Administration wherein the total cost of the lease payments plus the amount needed to exercise the purchase option exceeds the purchase price of the aircraft (which would have been charged where the aircraft to be purchased by normal appropriations) by more than 20%.

SEC. 210. Positions which are financed by appropriations in this Act which are determined by the Secretary of Transportation to be essential to assure public safety and which are assigned to facilities directly engaged in the operation or maintenance of the air traffic control system or the air navigation system of the Federal Aviation Administration may be filled without regard to the provisions of section 201 of Public Law 90-364, and such positions shall not be taken into consideration in determining numbers of employees under subsection (a) of that section or numbers of vacancies under subsection (b) of that section.

This Act may be cited as the "Department of Transportation Appropriation Act, 1969".

Approved August 8, 1968.

Position limitations, exemption.

Ante, p. 270.

Short title.

Public Law 90-465

AN ACT

To amend the Act of September 15, 1960, for the purpose of developing and enhancing recreational opportunities and improving the fish and wildlife programs at reservations covered by said Act, and for other purposes.

August 8, 1968

[H. R. 11026]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act of September 15, 1960 (74 Stat. 1053; 16 U.S.C. 670c) is amended to read as follows:

Conservation programs on military reservations.

"SEC. 3. The Secretary of Defense is also authorized to carry out a program for the development, enhancement, operation, and maintenance of public outdoor recreation resources at military reservations in accordance with a cooperative plan mutually agreed upon by the Secretary of Defense and the Secretary of the Interior, in consultation with the appropriate State agency designated by the State in which such reservations are located."

SEC. 2. The Act of September 15, 1960, is amended by adding at the end thereof a new section to read as follows:

"SEC. 6. (a) The Secretary of Defense shall expend such funds as may be collected in accordance with the cooperative plans agreed to under sections 1 and 2 of this Act and for no other purpose.

“(b) There is also authorized to be appropriated to the Secretary of Defense not to exceed \$500,000 per fiscal year for the fiscal years beginning July 1, 1969, July 1, 1970, and July 1, 1971, to carry out this Act, including the enhancement of fish and wildlife habitat and the development of public recreation and other facilities. The Secretary of Defense shall, to the greatest extent practicable, enter into agreements to utilize the services, personnel, equipment, and facilities, with or without reimbursement, of the Secretary of the Interior in carrying out the provisions of this Act. Sums authorized to be appropriated under this Act shall be available until expended.”

Approved August 8, 1968.

Public Law 90-466

August 8, 1968
[H. R. 9391]

AN ACT

To amend section 376(a) of title 28, United States Code.

Widows and
children of judges.
Annuities.
70 Stat. 1021.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 376(a) of title 28, United States Code, is amended to read as follows:

“Any judge of the United States may by written election filed with the Director of the Administrative Office of the United States Courts within six months after the date on which he takes office or within six months after he marries bring himself within the purview of this section.”

(b) For the purpose of the amendment made by subsection (a), a judge who is in office on the date of enactment of this Act shall be deemed to have taken office on that date.

Approved August 8, 1968.

Public Law 90-467

August 8, 1968
[H. R. 10213]

AN ACT

To amend the Life Insurance Act of the District of Columbia, approved June 19, 1934 (48 Stat. 1125).

Life Insurance
Act, D.C.
Amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 11 of chapter II of the Life Insurance Act, approved June 19, 1934 (48 Stat. 1132), as amended (D.C. Code, sec. 35-410), is amended by adding at the end of the first paragraph thereof the following: “This paragraph shall not apply to an alien company which maintains in the United States as required by law, assets held in trust for the benefit of the United States policyholders in an amount not less than the sum of its required capital deposit and the amount of its outstanding liabilities arising out of its insurance transactions in the United States.”

Approved August 8, 1968.

Public Law 90-468

AN ACT

To revise the boundaries of the Badlands National Monument in the State of South Dakota, to authorize exchanges of land mutually beneficial to the Oglala Sioux Tribe and the United States, and for other purposes.

August 8, 1968
[H. R. 9098]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to include lands of outstanding scenic and scientific character in the Badlands National Monument, the boundaries of the monument are revised as generally depicted on the map entitled "Badlands National Monument", numbered NM-BL-7021B, dated August 1967, which is on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior may make minor adjustments in the boundaries, but the total acreage in the monument may not exceed the acreage within the boundaries depicted on the map referred to herein. Lands within the boundaries of the monument that are acquired by the United States shall be subject to the laws and regulations applicable to the monument.

Badlands National Monument,
S. Dak.
Boundary revision.

SEC. 2. (a) Subject to the provisions of subsection (b) hereof, the Secretary of the Interior may, within the boundaries of the monument, acquire lands and interests in lands by donation, purchase with donated or appropriated funds, or exchange, except that any lands or interests in lands owned by the State of South Dakota, a political subdivision thereof, or the Oglala Sioux Tribe of South Dakota may be acquired only with the consent of owner. Notwithstanding any other provision of law, lands and interests in lands located within the monument under the administrative jurisdiction of any other Federal agency may be transferred to the administrative jurisdiction of the Secretary without a transfer of funds.

(b) As to lands located within the boundaries of the monument but outside the boundaries of the gunnery range referred to in section 3 hereof, the Secretary of the Interior may acquire only rights-of-way and scenic easements.

SEC. 3. Inasmuch as (A) most of the lands added to the Badlands National Monument by section 1 of this Act are inside the boundaries of the Pine Ridge Sioux Indian Reservation, (B) such lands are also within a tract of land forty-three miles long and twelve and one-half miles wide which is in the northwestern part of such Indian reservation and has been used by the United States Air Force as a gunnery range since the early part of World War II, (C) the tribal lands within such gunnery range were leased by the Federal Government and the other lands within such gunnery range were purchased by the Federal Government from the individual owners (mostly Indians), (D) the Department of the Air Force has declared most of such gunnery range lands excess to its needs and such excess lands have been requested by the National Park Service under the Federal Property and Administrative Services Act of 1949, (E) the leased tribal lands and the excess lands within the enlarged Badlands National Monument are needed for the monument, (F) the other excess lands in such gunnery range should be restored to the former Indian owners of such lands, and (G) the tribe is unwilling to sell its tribal lands for inclusion in the national monument, but is willing to exchange them or interests therein for the excess gunnery range lands, which, insofar as the lands within the gunnery range formerly held by the tribe are concerned, should be returned to Indian ownership in any event, the Congress hereby finds that such exchange would be in the national interest and authorizes the following actions:

Pine Ridge
Sioux Indian
Reservation, land
exchange.

63 Stat. 377.
40 USC 471
note.

(a) All Federal lands and interests in lands within the Badlands Air Force gunnery range that are outside the boundaries of the monument and that heretofore or hereafter are declared excess to the needs of the Department of the Air Force shall be transferred to the administrative jurisdiction of the Secretary of the Interior without a transfer of funds.

Purchase, terms
and conditions.

(b) Any former Indian or non-Indian owner of a tract of such land, whether title was held in trust or fee, may purchase such tract from the Secretary of the Interior under the following terms and conditions:

(1) The purchase price to a former Indian owner shall be the total amount paid by the United States to acquire such tract and all interests therein, plus interest thereon from the date of acquisition at a rate determined by the Secretary of the Treasury taking into consideration the average market yield of all outstanding marketable obligations of the United States at the time the tract was acquired by the United States, adjusted to the nearest one-eighth of 1 per centum. The purchase price to a former non-Indian owner shall be the present fair market value of the tract as determined by the Secretary of the Interior.

(2) Not less than \$100 or 20 per centum of the purchase price, whichever is less, shall be paid at the time of purchase, and the balance shall be payable in not to exceed 20 years with interest at a rate determined by the Secretary of the Treasury taking into account the current average market yield on outstanding marketable obligations of the United States with twenty years remaining to date of maturity, adjusted to the nearest one-eighth of 1 per centum.

(3) Title to the tract purchased shall be held in trust for the purchaser if it was held in trust status at the time the tract was acquired by the United States; otherwise, the title to the tract purchased shall be conveyed to the purchaser subject to a mortgage and such other security instruments as the Secretary deems appropriate. If a tract purchased under this subsection is offered for resale during the following ten-year period, the tribe must be given the first right to purchase it.

(4) The unpaid balance of the purchase price shall be a lien against the land if the title is held in trust and against all rents, bonuses, and royalties received therefrom. In the event of default in the payment of any installment of the purchase price the Secretary may take such action to enforce the lien as he deems appropriate, including foreclosure and conveyance of the land to the Oglala Sioux Tribe.

Publication in
Federal Register.

(5) An application to purchase the tract must be filed with the Secretary of the Interior within one year from the date a notice is published in the Federal Register that the tract has been transferred to the jurisdiction of the Secretary.

(6) No application may be filed by more than five of the former owners of an interest in the tract. If more than one such application is filed for a tract the applicants must agree on not more than five of the former owners who shall make the purchase, and failing such agreement all such applications for the tract shall be rejected by the Secretary.

"Former
owner."

(7) "Former owner" means, for the purposes of subsection (b) of this section, each person from whom the United States acquired an interest in the tract, or if such person is deceased, his spouse, or if such spouse is deceased, his children.

Lands within
the Badlands Air
Force gunnery
range.

SEC. 4. (a) All Federal lands and interests in lands within the Badlands Air Force gunnery range that are outside the boundaries of the monument, and that have been declared excess to the needs of

the Department of the Air Force, and that are not purchased by former owners under section 3(b), and all lands that have been acquired by the United States under authority of title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), and subsequent relief Acts, situated within the Pine Ridge Indian Reservation, administrative jurisdiction over which has heretofore been transferred by the President from the Secretary of Agriculture to the Secretary of the Interior by Executive Order Numbered 7868, dated April 15, 1938, shall be subject to the following provisions of this section.

3 F.R. 903.

(b) Any former Indian owner of land that is within the Badlands Air Force gunnery range and outside the boundaries of the monument and that has not been declared excess to the needs of the Department of the Air Force on the date of the enactment of this Act may, within the period specified in section 3(b)(5), elect (i) to purchase an available tract of land described in section 4(a) of substantially the same value, or (ii) to purchase the tract formerly owned by him at such time as such tract is declared excess and transferred to the Secretary of the Interior as provided in section 3(a).

(c) Any former Indian owner of a tract of land within the boundaries of the monument that was acquired by the United States for the Badlands Air Force gunnery range, and that is transferred to the Secretary of the Interior pursuant to section 2 of this Act, may, within the period specified in section 3(b)(5), elect (i) to acquire from the Secretary of the Interior a life estate in such tract at no cost, subject to restrictions on use that may be prescribed in regulations applicable to the monument, or (ii) to purchase an available tract of land described in section 4(a) of substantially the same value.

(d) Purchases under subsection (b) and clause (ii) of subsection (c) of this section shall be made on the terms provided in section 3(b).

Lands outside
the Badlands Air
Force gunnery
range.

SEC. 5. (a) Title to all Federal lands and interests in lands within the boundaries of the Badlands Air Force gunnery range that are outside the boundaries of the monument, and that are transferred to the administrative jurisdiction of the Secretary of the Interior as provided in section 3(a), including lands hereafter declared to be excess, and that are not selected under sections 3(b) or 4, and title to all lands within the boundaries of the monument that were acquired by the United States for the Badlands Air Force gunnery range, subject to any life estate conveyed pursuant to section 4(c) and subject to restrictions on use that may be prescribed in regulations applicable to the monument, which regulations may include provisions for the protection of the black-footed ferret, may be conveyed to the Oglala Sioux Tribe in exchange (i) for the right of the United States to use all tribal land within the monument for monument purposes, including the right to manage fish and wildlife and other resources and to construct visitor use and administrative facilities thereon, and (ii) for title to three thousand one hundred fifteen and sixty-three one-hundredths acres of land owned by the Oglala Sioux Tribe and located in the area of the Badlands Air Force gunnery range which is not excess to the needs of the Department of the Air Force and which is encompassed in civil action numbered 859 W.D. in the United States District Court for the District of South Dakota, if such exchange is approved by the Oglala Sioux Tribal Council. The lands acquired under paragraph (ii) shall become a part of the Badlands Air Force gunnery range retained by the Department of the Air Force. The United States and the Oglala Sioux Tribe shall reserve all mineral rights in the lands so conveyed. The right of the United States to use for monument purposes lands that were tribally owned prior to the date of this Act shall not impair the right of the Oglala Sioux Tribe

Mineral rights.

to use such lands for grazing purposes and mineral development, including development for oil and gas.

(b) The Oglala Sioux Tribal Council may authorize the execution of the necessary instruments to effect the exchange on behalf of the tribe, and the Secretary may execute the necessary instruments on behalf of the United States.

(c) After the exchange is effected the title of the Oglala Sioux Tribe to the property acquired by the exchange shall be held in trust subject to the same restrictions and authorities that apply to other lands of the tribe that are held in trust.

Oglala Sioux
Tribe, land con-
veyance.

SEC. 6. The Oglala Sioux Tribe may convey and the Secretary of the Interior may acquire not to exceed forty acres of tribally owned lands on the Pine Ridge Indian Reservation for the purpose of erecting thereon permanent facilities to be used to interpret the natural phenomena of the monument and the history of the Sioux Nation: *Provided*, That no such conveyance shall be made until sixty days after the terms thereof have been submitted to the Interior and Insular Affairs Committees of the House of Representatives and the Senate.

Approved August 8, 1968.

Public Law 90-469

August 8, 1968
[H. R. 15864]

AN ACT

To provide for the operation of the William Langer Jewel Bearing Plant at Rolla, North Dakota, and for other purposes.

William Langer
Jewel Bearing
Plant, N. Dak.,
operation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is authorized to provide for the operation, by contract or otherwise, of the William Langer Jewel Bearing Plant, located at Rolla, North Dakota, to produce jewel bearings and related items for Government use or for sale, at prices determined by the Administrator to be sufficient to cover the estimated or actual costs of production, including depreciation.

Separate fund.

SEC. 2. There is hereby authorized to be established on the books of the Treasury a separate fund, which shall be available for use by or under the direction and control of the Administrator, without fiscal year limitation, for expenses necessary for the operation of the plant, including personal services and travel; advancement of production technology; materials, supplies, and services; maintenance, repair, improvement, and purchase of machinery, tools and equipment; transportation and other utility services; maintenance, repair, alteration, and improvement of existing buildings; provision of working capital, and other necessary manufacturing, general, and administrative expenses.

Plant assets,
transfer to fund.

SEC. 3. Upon the termination of the existing lease of the plant, the Administrator is authorized to transfer to the said fund, at values established by him, the William Langer Jewel Bearing Plant, including land, buildings, machinery, equipment, tools, raw materials, work in process, finished goods, accounts receivable, the balance of the direct order rental account established under said lease, and any other assets of the Government related to said plant. There are authorized to be appropriated to said fund any additional sums which may be required for the operation of the plant which, together with the value of the assets transferred to the fund by the Administrator pursuant to this section, shall constitute the capital of the fund.

Appropriation.

SEC. 4. The fund shall be credited with the proceeds of all transfers, sales, advances, refunds, and recoveries resulting from the operation of the plant and the fund, including the net proceeds of disposal of surplus personal property of the fund and receipts from carriers and others for loss of, or damage to, property of the fund.

SEC. 5. As of the close of each fiscal year, any net income of the fund, after making provision for prior year losses, if any, shall be transferred to the Treasury of the United States as miscellaneous receipts.

SEC. 6. In the event the plant is operated by contract, advances from the fund may be made to the contractor for the purposes set forth in section 2, and the proceeds and receipts referred to in section 4 may initially be credited to a special subsidiary fund established by the contractor for that purpose in accordance with procedures prescribed by the Administrator.

Approved August 8, 1968.

Public Law 90-470

AN ACT

August 9, 1968
[H. R. 17522]

Making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1969, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1969, and for other purposes, namely:

Departments of
State, Justice,
and Commerce,
the Judiciary, and
Related Agencies
Appropriation Act,
1969.

TITLE I—DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For necessary expenses of the Department of State, not otherwise provided for, including expenses authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158), and allowances as authorized by 5 U.S.C. 5921-5925; expenses of bi-national arbitrations arising under international air transport agreements; expenses necessary to meet the responsibilities and obligations of the United States in Germany (including those arising under the supreme authority

60 Stat. 999;
81 Stat. 671.
80 Stat. 510.

80 Stat. 416.

70 Stat. 890;
76 Stat. 263.

62 Stat. 825.

70 Stat. 891.

assumed by the United States on June 5, 1945, and under contractual arrangements with the Federal Republic of Germany); hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; dues for library membership in organizations which issue publications to members only, or to members at a price lower than to others; expenses authorized by section 2 of the Act of August 1, 1956 (22 U.S.C. 2669), as amended; refund of fees erroneously charged and paid for passports; radio communications; payment in advance for subscriptions to commercial information, telephone and similar services abroad; care and transportation of prisoners and persons declared insane; expenses, as authorized by law (18 U.S.C. 3192), of bringing to the United States from foreign countries persons charged with crime; expenses necessary to provide maximum physical security in Government-owned and leased properties abroad; and procurement by contract or otherwise, of services, supplies, and facilities, as follows: (1) translating, (2) analysis and tabulation of technical information, and (3) preparation of special maps, globes, and geographic aids; \$199,475,600: *Provided*, That passenger motor vehicles in possession of the Foreign Service abroad may be replaced in accordance with section 7 of the Act of August 1, 1956 (22 U.S.C. 2674), and the cost, including the exchange allowance, of each such replacement shall not exceed \$3,800 in the case of the chief of mission automobile at each diplomatic mission (except that four such vehicles may be purchased at not to exceed \$7,800 each) and such amounts as may be otherwise provided by law for all other such vehicles.

REPRESENTATION ALLOWANCES

74 Stat. 801.

For representation allowances as authorized by section 901 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1131), \$993,000.

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD

44 Stat. 403;
80 Stat. 881.60 Stat. 999;
81 Stat. 671.
80 Stat. 510,
416.

For necessary expenses of carrying into effect the Foreign Service Buildings Act, 1926, as amended (22 U.S.C. 292-300), including personal services in the United States and abroad; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158); allowances as authorized by 5 U.S.C. 5921-5925; and services as authorized by 5 U.S.C. 3109; \$12,500,000, to remain available until expended: *Provided*, That not to exceed \$1,352,000 may be used for administrative expenses during the current fiscal year.

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD
(SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for the purposes authorized by section 104(b)(4) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704), to be credited to and expended under the appropriation account for "Acquisition, operation, and maintenance of buildings abroad", to remain available until expended, \$3,050,000.

80 Stat. 1530.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, to be expended pursuant to the requirement of section 291 of the Revised Statutes (31 U.S.C. 107), \$1,600,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties, conventions, or specific Acts of Congress, \$118,453,000.

MISSIONS TO INTERNATIONAL ORGANIZATIONS

For expenses necessary for permanent representation to certain international organizations in which the United States participates pursuant to treaties, conventions, or specific Acts of Congress, including expenses authorized by the pertinent Acts and conventions providing for such representation; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158); allowances as authorized by 5 U.S.C. 5921-5925; and expenses authorized by section 2 (a) and (e) of the Act of August 1, 1956, as amended (22 U.S.C. 2669); \$3,800,000.

60 Stat. 999;
81 Stat. 671.
80 Stat. 510.
70 Stat. 890.

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses of participation by the United States, upon approval by the Secretary of State, in international activities which arise from time to time in the conduct of foreign affairs and for which specific appropriations have not been provided pursuant to treaties, conventions, or special Acts of Congress, including personal services without regard to civil service and classification laws; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158); allowances as

80 Stat. 510.

authorized by 5 U.S.C. 5921-5925; hire of passenger motor vehicles; contributions for the share of the United States in expenses of international organizations; and expenses authorized by section 2(a) of the Act of August 1, 1956, as amended (22 U.S.C. 2669); \$1,800,000, of which not to exceed a total of \$70,000 may be expended for representation allowances as authorized by section 901 of the Act of August 13, 1946, as amended (22 U.S.C. 1131) and for official entertainment.

70 Stat. 890.

74 Stat. 801.

WORLD HEALTH ASSEMBLY

80 Stat. 10.

For necessary expenses incident to organizing and holding the Twenty-second World Health Assembly in Boston, Massachusetts, as authorized by the Act of March 1, 1966 (Public Law 89-357), including not to exceed \$7,500 for official reception and representation expenses, \$500,000, to remain available until December 31, 1969.

INTERNATIONAL COMMISSIONS

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

24 Stat. 1011;
26 Stat. 1512;
35 Stat. 1863;
34 Stat. 2953;
48 Stat. 1621;
59 Stat. 1219;
15 UST 21.

64 Stat. 846.

80 Stat. 508;
81 Stat. 206.

For expenses necessary to enable the United States to meet its obligations under the treaties of 1884, 1889, 1905, 1906, 1933, 1944, and 1963 between the United States and Mexico, and to comply with the other laws applicable to the United States Section, International Boundary and Water Commission, United States and Mexico, including operation and maintenance of the Rio Grande rectification, canalization, flood control, bank protection, water supply, power, irrigation, boundary demarcation, and sanitation projects; detailed plan preparation and construction (including surveys and operation and maintenance and protection during construction); Rio Grande emergency flood protection; expenditures for the purposes set forth in sections 101 through 104 of the Act of September 13, 1950 (22 U.S.C. 277d-1-277d-4); purchase of four passenger motor vehicles for replacement only; purchase of planographs and lithographs; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); and leasing of private property to remove therefrom sand, gravel, stone, and other materials, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5); as follows:

SALARIES AND EXPENSES

For salaries and expenses not otherwise provided for, including examinations, preliminary surveys, and investigations, \$880,000.

OPERATION AND MAINTENANCE

For operation and maintenance of projects or parts thereof, as enumerated above, including gaging stations, \$2,000,000: *Provided*, That expenditures for the Rio Grande bank protection project shall be subject to the provisions and conditions contained in the appropriation for said project as provided by the Act approved April 25, 1945 (59 Stat. 89).

CONSTRUCTION

49 Stat. 660.
22 USC 277-
277d.
55 Stat. 338.
64 Stat. 846.
22 USC 277d-32,
277d-33.

For detailed plan preparation and construction of projects authorized by the convention concluded February 1, 1933, between the United States and Mexico, the Acts approved August 19, 1935, as amended (22 U.S.C. 277-277f), August 29, 1935 (49 Stat. 961), June 4, 1936 (49 Stat. 1463), June 28, 1941 (22 U.S.C. 277f), September 13, 1950 (22 U.S.C. 277d-1-9), October 10, 1966 (80 Stat. 884), and the

projects stipulated in the treaty between the United States and Mexico signed at Washington on February 3, 1944, \$5,806,000, to remain available until expended: *Provided*, That no expenditures shall be made for the Lower Rio Grande flood-control project for construction on any land, site, or easement in connection with this project except such as has been acquired by donation and the title thereto has been approved by the Attorney General of the United States: *Provided further*, That the Anzalduas diversion dam shall not be operated for irrigation or water supply purposes in the United States unless suitable arrangements have been made with the prospective water users for repayment to the Government of such portions of the costs of said dam as shall have been allocated to such purposes by the Secretary of State.

59 Stat. 1219.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For expenses necessary to enable the President to perform the obligations of the United States pursuant to treaties between the United States and Great Britain, in respect to Canada, signed January 11, 1909 (36 Stat. 2448), and February 24, 1925 (44 Stat. 2102); the treaty between the United States and Canada, signed February 27, 1950, the agreement between the United States and Canada, signed March 25, 1965; including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; \$610,000, to be disbursed under the direction of the Secretary of State, and to be available also for additional expenses of the American Sections, International Commissions, as hereinafter set forth:

1 UST 694.

17 UST 1566.
80 Stat. 416.

International Joint Commission, United States and Canada, the salary of two Commissioners on the part of the United States who shall serve at the pleasure of the President (the other Commissioner to serve in that capacity without compensation therefor); salaries of clerks and other employees appointed by the Commissioners on the part of the United States with the approval solely of the Secretary of State; travel expenses and compensation of witnesses in attending hearings of the Commission at such places in the United States and Canada as the Commission or the American Commissioners shall determine to be necessary; and special and technical investigations in connection with matters falling within the Commission's jurisdiction: *Provided*, That transfers of funds may be made to other agencies of the Government for the performance of work for which this appropriation is made.

International Boundary Commission, United States and Canada, the completion of such remaining work as may be required under the award of the Alaskan Boundary Tribunal and the existing treaties between the United States and Great Britain; commutation of subsistence to employees while on field duty, not to exceed \$8 per day each (but not to exceed \$5 per day each when a member of a field party and subsisting in camp); hire of freight and passenger motor vehicles from temporary field employees; and payment for timber necessarily cut in keeping the boundary line clear.

Lake Ontario Claims Tribunal, United States and Canada, the salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158); and allowances as authorized by 5 U.S.C. 5921-5925.

60 Stat. 999;
81 Stat. 671.
80 Stat. 510.

INTERNATIONAL FISHERIES COMMISSIONS

For expenses, not otherwise provided for, necessary to enable the United States to meet its obligations in connection with participation in international fisheries commissions pursuant to treaties or conventions, and implementing Acts of Congress, \$2,075,000: *Provided*, That

the United States share of such expenses may be advanced to the respective commissions.

EDUCATIONAL EXCHANGE

MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACTIVITIES

For expenses, not otherwise provided for, necessary to enable the Secretary of State to carry out the functions of the Department of State under the provisions of the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451-2458), and the Act of August 9, 1939 (22 U.S.C. 501), including expenses authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158); expenses of the National Commission on Education, Scientific, and Cultural Cooperation as authorized by sections 3, 5, and 6 of the Act of July 30, 1946 (22 U.S.C. 287o, 287q, 287r); hire of passenger motor vehicles; not to exceed \$10,000 for representation expenses; not to exceed \$1,000 for official entertainment within the United States; services as authorized by 5 U.S.C. 3109; and advance of funds notwithstanding section 3648 of the Revised Statutes, as amended (31 U.S.C. 529); \$31,000,000, of which not less than \$8,500,000 shall be used for payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States: *Provided*, That not to exceed \$2,200,000 may be used for administrative expenses during the current fiscal year.

CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to any appropriate agency of the State of Hawaii, \$5,260,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or to enter into any contract providing for the payment thereof, in excess of the highest rate authorized in the General Schedule of the Classification Act of 1949, as amended.

GENERAL PROVISIONS—DEPARTMENT OF STATE

Security guard services.

SEC. 102. Appropriations under this title for "Salaries and expenses", "International conferences and contingencies", and "Missions to international organizations" are available for reimbursement of the General Services Administration for security guard services for protection of confidential files.

Salaries and expenses, restriction.

SEC. 103. No part of any appropriation contained in this title shall be used to pay the salary or expenses of any person assigned to or serving in any office of any of the several States of the United States or any political subdivision thereof.

Advocates of one world government.

SEC. 104. None of the funds appropriated in this title shall be used (1) to pay the United States contribution to any international organization which engages in the direct or indirect promotion of the principle or doctrine of one world government or one world citizenship; (2) for the promotion, direct or indirect, of the principle or doctrine of one world government or one world citizenship.

Communist China.

SEC. 105. It is the sense of the Congress that the Communist Chinese Government should not be admitted to membership in the United Nations as the representative of China.

Foreign Service Reserve.

SEC. 106. Existing appointments and assignments to the Foreign Service Reserve in the Department of State which expire during the

75 Stat. 527.

53 Stat. 1290.

60 Stat. 999;
81 Stat. 671.

60 Stat. 713;
75 Stat. 341.

80 Stat. 416.

74 Stat. 141.
22 USC 2054
note.

5 USC 5332
note.

current fiscal year may be extended in the discretion of the Secretary of State for a period of one year in addition to the period of appointment or assignment otherwise authorized.

This title may be cited as the "Department of State Appropriation Act, 1969".

Citation of title.

TITLE II—DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES AND GENERAL ADMINISTRATION

SALARIES AND EXPENSES, GENERAL ADMINISTRATION

For expenses necessary for the administration of the Department of Justice and for examination of judicial offices, including purchase (one for replacement only) and hire of passenger motor vehicles; and miscellaneous and emergency expenses authorized or approved by the Attorney General or the Assistant Attorney General for Administration; \$6,285,000.

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including miscellaneous and emergency expenses authorized or approved by the Attorney General or the Assistant Attorney General for Administration; not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of the Attorney General and accounted for solely on his certificate; and advances of public moneys pursuant to law (31 U.S.C. 529); \$23,598,000.

ALIEN PROPERTY ACTIVITIES

LIMITATION ON GENERAL ADMINISTRATIVE EXPENSES

The Attorney General, or such officer as he may designate, is hereby authorized to pay out of any funds or other property or interest vested in him or transferred to him pursuant to or with respect to the Trading With the Enemy Act of October 6, 1917, as amended (50 U.S.C. App.), and the International Claims Settlement Act, as amended (22 U.S.C. 1631), necessary expenses incurred in carrying out the powers and duties conferred on the Attorney General pursuant to said Acts: *Provided*, That not to exceed \$136,000 shall be available in the current fiscal year for transfer to the appropriation for "Salaries and expenses, general legal activities", for the general administrative expenses of alien property activities, including rent of private or Government-owned space in the District of Columbia.

40 Stat. 411.

69 Stat. 562.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, \$7,991,000: *Provided*, That none of this appropriation shall be expended for the establishment and maintenance of permanent regional offices of the Antitrust Division.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS

For necessary expenses of the offices of the United States attorneys and marshals, including purchase of firearms and ammunition; \$39,876,000, of which not to exceed \$50,000 shall be available for the employment of temporary deputy marshals in lieu of bailiffs at a rate of not to exceed \$12.80 per day: *Provided*, That of the amount herein

appropriated \$17,500 may be used for the emergency replacement of one prisoner-carrying bus upon certificate of the Attorney General: *Provided further*, That of the amount herein appropriated not to exceed \$200,000 shall be available for payment of compensation and expenses of Commissioners appointed in condemnation cases under Rule 71A(h) of the Federal Rules of Civil Procedure.

28 USC app.

FEEES AND EXPENSES OF WITNESSES

For expenses, mileage, and per diems of witnesses and for per diems in lieu of subsistence, as authorized by law, and not to exceed \$450,000 for such compensation and expenses of witnesses (including expert witnesses) pursuant to section 524 of title 28, United States Code and sections 4244–48 of title 18, United States Code; \$4,200,000: *Provided*, That no part of the sum herein appropriated shall be used to pay any witness more than one attendance fee for any one calendar day.

80 Stat. 615.

63 Stat. 686.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service established by title X of the Civil Rights Act of 1964 (42 U.S.C. 2000g—2000g-3), \$2,275,000.

78 Stat. 267.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For expenses necessary for the detection and prosecution of crimes against the United States; protection of the person of the President of the United States; acquisition, collection, classification and preservation of identification and other records and their exchange with, and for the official use of, the duly authorized officials of the Federal Government, of States, cities, and other institutions, such exchange to be subject to cancellation if dissemination is made outside the receiving departments or related agencies; and such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General, including purchase for police-type use without regard to the general purchase price limitation for the current fiscal year (not to exceed seven hundred fifty-one, including one armored vehicle, of which seven hundred one shall be for replacement only) and hire of passenger motor vehicles; firearms and ammunition; not to exceed \$10,000 for taxicab hire to be used exclusively for the purposes set forth in this paragraph; payment of rewards; and not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; \$207,450,000: *Provided*, That the compensation of the Director of the Bureau shall be \$30,000 per annum so long as the position is held by the present incumbent.

FBI Director,
compensation.

None of the funds appropriated for the Federal Bureau of Investigation shall be used to pay the compensation of any civil-service employee.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including advance of cash to aliens for meals and lodging while en route; payment of allowances (at a rate not in excess of \$1 per day) to aliens, while held in custody under

the immigration laws, for work performed; payment of rewards; not to exceed \$50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on his certificate; purchase for police-type use, without regard to the general purchase price limitation for the current fiscal year (not to exceed two hundred and fifty for replacement only) and hire of passenger motor vehicles; purchase (not to exceed five for replacement only) and maintenance and operation of aircraft; firearms and ammunition, attendance at firearms matches; refunds of head tax, maintenance bills, immigration fines, and other items properly returnable, except deposits of aliens who become public charges and deposits to secure payment of fines and passage money; operation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto; acquisition of land as sites for enforcement fence and construction incident to such fence; reimbursement of the General Services Administration for security guard services for protection of confidential files; and maintenance, care, detention, surveillance, parole, and transportation of alien enemies and their wives and dependent children, including return of such persons to place of bona fide residence or to such other place as may be authorized by the Attorney General; \$86,450,000: *Provided*, That of the amount herein appropriated, not to exceed \$50,000 may be used for the emergency replacement of aircraft upon certificate of the Attorney General.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES, BUREAU OF PRISONS

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including supervision of United States prisoners in non-Federal institutions; purchase of not to exceed twenty-four for replacement only, and hire of passenger motor vehicles; compilation of statistics relating to prisoners in Federal and non-Federal penal and correctional institutions; firearms and ammunition; medals and other awards; payment of rewards; purchase and exchange of farm products and livestock; construction of buildings at prison camps; and acquisition of land as authorized by section 4010 of title 18, United States Code, \$65,388,000, of which \$5,659,000 shall be derived by transfer from funds previously appropriated under the heading "Building and facilities": *Provided*, That there may be transferred to the Public Health Service such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditure by that Service for medical relief for inmates of Federal penal and correctional institutions.

80 Stat. 610.

BUILDINGS AND FACILITIES

Not to exceed \$4,650,000, to remain available until expended, of funds previously appropriated under this heading shall be available for constructing, remodeling and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

SUPPORT OF UNITED STATES PRISONERS

For support of United States prisoners in non-Federal institutions, including necessary clothing and medical aid, payment of rewards, and reimbursement to St. Elizabeths Hospital for the care and treatment

61 Stat. 751.

of United States prisoners, at per diem rates approved by the Bureau of the Budget, as authorized by law (24 U.S.C. 168a), \$4,900,000.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

SALARIES AND EXPENSES

Ante, p. 197.

For grants, contracts, loans, and other law enforcement assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, including departmental salaries and other expenses in connection therewith, \$63,000,000, of which \$3,000,000 shall be available for transfer to the Federal Bureau of Investigation including the purchase for police-type use, without regard to the general purchase price limitation for the current fiscal year, of an additional seventy-five passenger motor vehicles.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

Attorneys,
qualifications.

SEC. 202. None of the funds appropriated by this title may be used to pay the compensation of any person hereafter employed as an attorney (except foreign counsel employed in special cases) unless such person shall be duly licensed and authorized to practice as an attorney under the laws of a State, territory, or the District of Columbia.

Reimbursement
to U.S.

SEC. 203. Seventy-five per centum of the expenditures for the offices of the United States attorney and the United States marshal for the District of Columbia from all appropriations in this title shall be reimbursed to the United States from any funds in the Treasury of the United States to the credit of the District of Columbia.

Attendance at
meetings.

SEC. 204. Appropriations and authorizations made in this title which are available for expenses of attendance at meetings shall be expended for such purposes in accordance with regulations prescribed by the Attorney General.

Experts and
consultants.

SEC. 205. Appropriations and authorizations made in this title for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

80 Stat. 416.

Uniform allow-
ances.

SEC. 206. Appropriations for the current fiscal year for "Salaries and expenses, general administration", "Salaries and expenses, United States Attorneys and Marshals", "Salaries and expenses, Federal Bureau of Investigation", "Salaries and expenses, Immigration and Naturalization Service", and "Salaries and expenses, Bureau of Prisons", shall be available for uniforms and allowances therefor as authorized by law (5 U.S.C. 5901-5902).

80 Stat. 508;

81 Stat. 206.

FBI.
Position limita-
tions, exemption.

SEC. 207. Investigative and other essential positions which are financed by appropriations in this Act for the Federal Bureau of Investigation which are determined by the Director of the Federal Bureau of Investigation to be essential to the operations of the Federal Bureau of Investigation may be filled without regard to the provisions of section 201 of Public Law 90-364, and such positions shall not be taken into consideration in determining numbers of employees under subsection (a) of that section or numbers of vacancies under subsection (b) of that section.

Ante, p. 270.

Citation of title.

This title may be cited as the "Department of Justice Appropriation Act, 1969".

TITLE III—DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce, including not to exceed \$1,500 for official entertainment, \$4,875,000.

OFFICE OF BUSINESS ECONOMICS

SALARIES AND EXPENSES

For necessary expenses of the Office of Business Economics, \$3,000,000.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, and publishing current census statistics, provided for by law, and modernization or development of automatic data processing equipment, \$17,578,000.

PREPARATION FOR NINETEENTH DECENNIAL CENSUS

For an additional amount for expenses necessary to prepare for taking, compiling, and publishing the nineteenth decennial census, as authorized by law, \$17,000,000, to remain available until December 31, 1972.

1967 ECONOMIC CENSUSES

For an additional amount for expenses necessary to prepare for taking, compiling, and publishing the 1967 censuses of business, transportation, manufactures, and mineral industries, as authorized by law, \$6,800,000, to remain available until December 31, 1970.

1967 CENSUS OF GOVERNMENTS

For an additional amount for expenses necessary to prepare for taking, compiling, and publishing the 1967 census of governments, as authorized by law, \$347,000, to remain available until December 31, 1969.

ECONOMIC DEVELOPMENT ASSISTANCE

DEVELOPMENT FACILITIES

For grants and loans for development facilities as authorized by titles I, II, IV and V of the Public Works and Economic Development Act of 1965, as amended (79 Stat. 552; 81 Stat. 266), \$180,000,000: ^{42 USC 3131 et seq.} *Provided*, That no part of any appropriation contained in this Act shall be used for administrative or any other expenses in the creation or operation of an economic development revolving fund.

INDUSTRIAL DEVELOPMENT LOANS AND GUARANTEES

For loans and guarantees of working capital loans for industrial development, pursuant to titles II and IV of the Public Works and Economic Development Act of 1965, as amended (79 Stat. 552, 81 Stat. 690), \$50,000,000.

42 USC 2766.

PLANNING, TECHNICAL ASSISTANCE, AND RESEARCH

42 USC 3151 et seq. For payments for technical assistance, research, and planning grants, as authorized by titles III and V of the Public Works and Economic Development Act of 1965, as amended (79 Stat. 558; 81 Stat. 266), \$25,000,000.

OPERATIONS AND ADMINISTRATION

For necessary expenses of administering the economic development assistance programs, not otherwise provided for, \$19,740,000, of which not less than \$2,000,000 shall be advanced to the Small Business Administration for the processing of loan applications.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Business and Defense Services Administration, \$6,102,000.

INTERNATIONAL ACTIVITIES

SALARIES AND EXPENSES

63 Stat. 405;
20 Stat. 216. For necessary expenses for the promotion of foreign commerce, including trade centers, mobile trade fairs, and trade and industrial exhibits, abroad, without regard to the provisions of law set forth in 41 U.S.C. 5 and 13; 44 U.S.C. 111, 322, and 324; purchase of commercial and trade reports; employment of aliens by contract for services abroad; rental of space abroad, for periods not exceeding five years, and expenses of alteration, repair, or improvement; advance of funds under contracts abroad; payment of tort claims, in the manner authorized in the first paragraph of section 2672 of title 28 of the United States Code, when such claims arise in foreign countries; and not to exceed \$3,000 for official representation expenses abroad; \$15,000,000, of which \$9,750,000 shall remain available for international trade promotions until June 30, 1970: *Provided*, That the provisions of the first sentence of section 105(f) and all of 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87-256) shall apply in carrying out the activities concerned with international trade promotions.

80 Stat. 306.

75 Stat. 532.
22 USC 2455,
2458.

SALARIES AND EXPENSES (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States for necessary expenses for the promotion of foreign commerce, as authorized herein under the appropriation for "Salaries and expenses," \$200,000, to remain available until expended.

EXPORT CONTROL

63 Stat. 7.
50 USC app.
2021 note.
67 Stat. 577. For expenses necessary for carrying out the provisions of the Export Control Act of 1949, as amended, relating to export controls, including awards of compensation to informers under said Act and as authorized by the Act of August 13, 1953 (22 U.S.C. 401), \$5,358,000, of which not to exceed \$1,680,000 may be advanced to the Bureau of Customs, Treasury Department, for enforcement of the export control program.

OFFICE OF FIELD SERVICES

SALARIES AND EXPENSES

For expenses necessary to operate and maintain field offices for the collection and dissemination of information useful in the development and improvement of commerce throughout the United States and its possessions, \$4,900,000.

UNITED STATES TRAVEL SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the International Travel Act of 1961 (75 Stat. 129), including employment of aliens by contract for service abroad; rental of space abroad, for periods not exceeding five years, and expenses of alteration, repair or improvement; advance of funds under contracts abroad; payment of tort claims, in the manner authorized in the first paragraph of section 2672 of title 28 of the United States Code, when such claims arise in foreign countries; and not to exceed \$3,500 for representation expenses abroad; \$4,500,000.

22 USC 2121
note.

80 Stat. 306.

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the Environmental Science Services Administration, including purchase (one), maintenance, operation, and hire of aircraft; expenses of an authorized strength of 330 commissioned officers on the active list; pay of commissioned officers retired in accordance with law; purchase of supplies for the upper-air weather measurements program for delivery through December 31 of the next fiscal year; \$115,000,000, of which \$1,027,000 shall be available for retirement pay of commissioned officers and payments under the Retired Serviceman's Family Protection Plan: *Provided*, That this appropriation shall be reimbursed for at least press costs and costs of paper for navigational charts furnished for official use of other Government departments and agencies.

70A Stat. 108;
75 Stat. 810.
10 USC 1431-
1446.

RESEARCH AND DEVELOPMENT

For expenses necessary for the conduct of research by the Environmental Science Services Administration, including development, testing, and evaluation of new operational systems and equipment; maintenance, operation, and hire of aircraft; and the acquisition and installation of research instrumentation; \$24,000,000, to remain available until expended.

RESEARCH AND DEVELOPMENT (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the Environmental Science Services Administration, as authorized by law, \$500,000, to remain available until expended: *Provided*, That this appropriation shall be available in addition to other appropriations to the Administration for payments in the foregoing currencies.

FACILITIES, EQUIPMENT, AND CONSTRUCTION

For an additional amount for expenses necessary for the construction of surveying ships, magnetic, seismological, oceanographic, and meteorological facilities, including the initial equipment and outfitting of new facilities; alteration, modernization, and relocation of operational facilities; acquisition, establishment, and relocation of research facilities and related equipment; and the acquisition of land for the foregoing facilities; \$3,200,000, to remain available until expended.

SATELLITE OPERATIONS

For expenses necessary to observe environmental conditions from space satellites, and for the reporting and processing of the data obtained for use in environmental forecasting, \$20,000,000, to remain available until expended: *Provided*, That this appropriation shall be available for payment to the National Aeronautics and Space Administration for procurement, in accordance with the authority available to that Administration, of such equipment or facilities as may be necessary, for the purposes of this appropriation.

PATENT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent Office, including defense of suits instituted against the Commissioner of Patents, \$42,000,000.

NATIONAL BUREAU OF STANDARDS

RESEARCH AND TECHNICAL SERVICES

31 Stat. 1449.

For expenses, necessary in performing the functions authorized by the Act of March 3, 1901, as amended (15 U.S.C. 271-278e), including general administration; operation, maintenance, alteration, and protection of grounds and facilities; and improvement and construction of facilities as authorized by the Act of September 2, 1958 (15 U.S.C. 278d); \$35,000,000.

72 Stat. 1711.

RESEARCH AND TECHNICAL SERVICES (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the National Bureau of Standards, as authorized by law, \$500,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations to the Bureau, for payments in the foregoing currencies.

PLANT AND FACILITIES

For expenses incurred, as authorized by section 1 of the Act of September 2, 1958 (15 U.S.C. 278c-278e), in the acquisition, construction, improvement, alteration, or emergency repair of buildings, grounds, and other facilities, including replacement of a standard frequency broadcast station and procurement and installation of special research equipment and facilities, therefor; and provisions of standards of weight and measure to the States; \$1,300,000, to remain available until expended.

OFFICE OF STATE TECHNICAL SERVICES

GRANTS AND EXPENSES

For grants and expenses as authorized by the State Technical Services Act of 1965 (79 Stat. 679), \$5,300,000.

15 USC 1351
note.

MARITIME ADMINISTRATION

SHIP CONSTRUCTION

For construction-differential subsidy and cost of national-defense features incident to construction of ships for operation in foreign commerce (46 U.S.C. 1152, 1154); for construction-differential subsidy and cost of national-defense features incident to the reconstruction and reconditioning of ships under title V of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1154); and for acquisition of used ships pursuant to section 510 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1160); to remain available until expended, \$119,800,000: *Provided*, That transfers may be made to the appropriation for the current fiscal year for "Salaries and expenses" for administrative and warehouse expenses (not to exceed \$3,150,000) and for reserve fleet expenses (not to exceed \$700,000), and any such transfers shall be without regard to the limitations under that appropriation on the amounts available for such expenses.

49 Stat. 1996;
52 Stat. 958.

53 Stat. 1183.

OPERATING-DIFFERENTIAL SUBSIDIES (LIQUIDATION OF CONTRACT AUTHORIZATION)

For the payment of obligations incurred for operating-differential subsidies granted on or after January 1, 1947, as authorized by the Merchant Marine Act, 1936, as amended, and in appropriations heretofore made to the United States Maritime Commission, \$206,000,000, to remain available until expended: *Provided*, That no contracts shall be executed during the current fiscal year by the Secretary of Commerce which will obligate the Government to pay operating-differential subsidy on more than two thousand four hundred voyages in any one calendar year, including voyages covered by contracts in effect at the beginning of the current fiscal year.

49 Stat. 1985.
46 USC 1245.

RESEARCH AND DEVELOPMENT

For expenses necessary for research, development, fabrication, and test operation of experimental facilities and equipment; collection and dissemination of maritime technical and engineering information; studies to improve water transportation systems; \$6,700,000 to remain available until expended, of which \$3,400,000 shall be for operation of the N.S. Savannah: *Provided*, That none of the funds appropriated herein are to be used for a layup of the N.S. Savannah: *Provided further*, That transfers may be made to the appropriations for the current fiscal year for "Salaries and expenses" for administrative expenses (not to exceed \$931,000) and any such transfers shall be without regard to the limitation under that appropriation on the amount available for such expenses: *Provided further*, That transfers may be made from this appropriation to the "Vessel operations revolving fund" for losses resulting from expenses of experimental ship operations.

NS Savannah.

SALARIES AND EXPENSES

49 Stat. 1985.
46 USC 1245.

For expenses necessary for carrying into effect the Merchant Marine Act, 1936, and other laws administered by the Maritime Administration, \$16,275,000, within limitations as follows:

Administrative expenses, including not to exceed \$1,125 for entertainment of officials of other countries when specifically authorized by the Maritime Administrator, and not to exceed \$1,250 for representation allowances, \$10,754,000;

Maintenance of shipyard facilities and operation of warehouses, \$242,000;

Reserve fleet expenses, \$5,279,000.

MARITIME TRAINING

For training cadets as officers of the Merchant Marine at the Merchant Marine Academy at Kings Point, New York; not to exceed \$2,500 for contingencies for the Superintendent, United States Merchant Marine Academy, to be expended in his discretion; purchase of three passenger motor vehicles for replacement only; and uniform and textbook allowances for cadet midshipmen, at an average yearly cost of not to exceed \$475 per cadet; \$5,177,000: *Provided*, That, except as herein provided for uniform and textbook allowances, this appropriation shall not be used for compensation or allowances for cadets: *Provided further*, That reimbursement may be made to this appropriation for expenses in support of activities financed from the appropriations for "Research and development" and "Ship construction".

STATE MARINE SCHOOLS

46 USC 1381
note.

For financial assistance to State marine schools and the students thereof as authorized by the Maritime Academy Act of 1958 (72 Stat. 622-624), \$1,900,000, of which \$625,000 is for maintenance and repair of vessels loaned by the United States for use in connection with such State marine schools, and \$1,275,000, to remain available until expended, is for liquidation of obligations incurred under authority granted by said Act, to enter into contracts to make payments for expenses incurred in the maintenance and support of marine schools, and to pay allowances for uniforms, textbooks, and subsistence of cadets at State marine schools.

GENERAL PROVISIONS—MARITIME ADMINISTRATION

No additional vessel shall be allocated under charter, nor shall any vessel be continued under charter by reason of any extension of chartering authority beyond June 30, 1949, unless the charterer shall agree that the Maritime Administration shall have no obligation upon redelivery to accept or pay for consumable stores, bunkers, and slop-chest items, except with respect to such minimum amounts of bunkers as the Maritime Administration considers advisable to be retained on the vessel and that prior to such redelivery all consumable stores, slop-chest items, and bunkers over and above such minimums shall be removed from the vessel by the charterer at his own expense.

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received by the Maritime Administration for utilities, services, and repairs so furnished or made shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental

payments under any such lease, contract, or occupancy on account of items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act, or in any prior appropriation Act, and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

FOREIGN DIRECT INVESTMENT CONTROL

SALARIES AND EXPENSES

For necessary expenses for carrying out the provisions of Executive Order 11387, January 1, 1968, including services as authorized by 5 U.S.C. 3109, \$3,000,000.

12 USC 95a
note.
80 Stat. 416.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 302. During the current fiscal year applicable appropriations and funds available to the Department of Commerce shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by said Act.

Availability of
funds.

63 Stat. 907.

SEC. 303. During the current fiscal year appropriations to the Department of Commerce which are available for salaries and expenses shall be available for hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

80 Stat. 416;
81 Stat. 206.

SEC. 304. No part of any appropriation contained in this title shall be used for construction of any ship in any foreign country.

Ship construc-
tion, restriction.
Citation of title.

This title may be cited as the "Department of Commerce Appropriation Act, 1969".

TITLE IV—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES

For the Chief Justice and eight Associate Justices, and all other officers and employees, whose compensation shall be fixed by the Court, except as otherwise provided by law, and who may be employed and assigned by the Chief Justice to any office or work of the Court, \$2,110,000.

PRINTING AND BINDING SUPREME COURT REPORTS

For printing and binding the advance opinions, preliminary prints, and bound reports of the Court, \$155,000.

MISCELLANEOUS EXPENSES

For miscellaneous expenses, to be expended as the Chief Justice may approve, \$140,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a-13b), including improvements,

48 Stat. 668.

63 Stat. 954;
70 Stat. 743.
5 USC 5101 et
seq., 8331 et seq.

maintenance, repairs, equipment, supplies, materials, and appurtenances; special clothing for workmen; and personal and other services (including temporary labor without reference to the Classification and Retirement Acts, as amended), and for snow removal by hire of men and equipment or under contract without compliance with section 3709 of the Revised Statutes, as amended (41 U.S.C. 5); \$345,500.

AUTOMOBILE FOR THE CHIEF JUSTICE

For purchase, exchange, lease, driving, maintenance, and operation of an automobile for the Chief Justice of the United States, \$9,500.

BOOKS FOR THE SUPREME COURT

For books and periodicals for the Supreme Court to be purchased by the Librarian of the Supreme Court, under the direction of the Chief Justice, \$40,000.

COURT OF CUSTOMS AND PATENT APPEALS

SALARIES AND EXPENSES

For salaries of the chief judge, four associate judges, and all other officers and employees of the court, and necessary expenses of the court, including exchange of books, and traveling expenses, as may be approved by the chief judge, \$505,000.

CUSTOMS COURT

SALARIES AND EXPENSES

80 Stat. 416.

For salaries of the chief judge and eight judges; salaries of the officers and employees of the court; services as authorized by 5 U.S.C. 3109; and necessary expenses of the court, including exchange of books, and traveling expenses, as may be approved by the court; \$1,600,000: *Provided*, That traveling expenses of judges of the Customs Court shall be paid upon written certificate of the judge.

COURT OF CLAIMS

SALARIES AND EXPENSES

For salaries of the chief judge, six associate judges, and all other officers and employees of the court, and for other necessary expenses, including stenographic and other fees and charges necessary in the taking of testimony, and travel, \$1,595,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES OF JUDGES

68 Stat. 12.

68 Stat. 918.

For salaries of circuit judges; district judges (including judges of the district courts of the Virgin Islands, the Panama Canal Zone, and Guam); justices and judges retired or resigned under title 28, United States Code, sections 371, 372, and 373; and annuities of widows of Justices of the Supreme Court of the United States in accordance with title 28, United States Code, section 375; \$16,795,000.

SALARIES OF SUPPORTING PERSONNEL

For salaries of all officials and employees of the Federal Judiciary, not otherwise specifically provided for, \$43,500,000: *Provided*, That the compensation of secretaries and law clerks of circuit and district judges shall be fixed by the Director of the Administrative Office of the United States Courts without regard to the Classification Act of 1949, as amended, except that the salary of a secretary shall conform with that of the General Schedule grades (GS) 5, 6, 7, 8, 9, or 10, as the appointing judge shall determine, and the salary of a law clerk shall conform with that of the General Schedule grades (GS) 7, 8, 9, 10, 11, or 12, as the appointing judge shall determine, subject to review by the Judicial Conference of the United States if requested by the Director, such determination by the judge otherwise to be final: *Provided further*, That (exclusive of step increases corresponding with those provided for by title VII of the Classification Act of 1949, as amended, and of compensation paid for temporary assistance needed because of an emergency) the aggregate salaries paid to secretaries and law clerks appointed by one judge shall not exceed \$28,336 per annum, except in the case of the chief judge of each circuit and the chief judge of each district court having five or more district judges, in which case the aggregate salaries shall not exceed \$35,070 per annum.

63 Stat. 954.
5 USC 5101 et
seq.
5 USC 5332
note.

76 Stat. 847;
81 Stat. 199.
5 USC 5335,
5336 and notes.

FEES AND EXPENSES OF COURT-APPOINTED COUNSEL

For compensation and reimbursement of expenses of attorneys appointed to represent defendants in criminal cases and for investigative, expert or other services pursuant to the Criminal Justice Act of 1964 (62 Stat. 684), \$3,150,000.

78 Stat. 552.
18 USC 3006A
note.

FEES OF JURORS AND COMMISSIONERS

For fees, expenses, and costs of jurors; compensation of jury commissioners; fees of United States commissioners and other committing magistrates acting under title 18, United States Code, section 3041; \$11,900,000.

62 Stat. 815.

TRAVEL AND MISCELLANEOUS EXPENSES

For necessary travel and miscellaneous expenses, not otherwise provided for, incurred by the Judiciary, including the purchase of firearms and ammunition, and the cost of contract statistical services for the office of Register of Wills of the District of Columbia, \$6,450,000: *Provided*, That this sum shall be available in an amount not to exceed \$16,500 for expenses of attendance at meetings concerned with the work of Federal probation when incurred on the written authorization of the Director of the Administrative Office of the United States Courts.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

For necessary expenses of the Administrative Office of the United States Courts, including travel, advertising, and rent in the District of Columbia and elsewhere, \$1,846,500: *Provided*, That not to exceed \$90,000 of the appropriations contained in this title shall be available for the study of rules of practice and procedure.

SALARIES OF REFEREES

For salaries of referees as authorized by the Act of June 28, 1946, as amended (11 U.S.C. 68), not to exceed \$4,588,000, to be derived from the Referees' salary and expense fund established in pursuance of said Act.

60 Stat. 326;
81 Stat. 518.

EXPENSES OF REFEREES

60 Stat. 326,
329; 81 Stat. 518.

For expenses of referees as authorized by the Act of June 28, 1946, as amended (11 U.S.C. 68, 102), not to exceed \$8,200,000, to be derived from the Referees' salary and expense fund established in pursuance of said Act: *Provided*, That \$370,000 shall be transferred to the appropriation for "Administrative Office of the United States Courts" for general administrative expenses of the bankruptcy system.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

81 Stat. 664.
28 USC 620-
629.

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, \$300,000.

GENERAL PROVISIONS—THE JUDICIARY

Reimbursement
to U.S.

SEC. 402. Sixty per centum of the expenditures for the District Court of the United States for the District of Columbia from all appropriations under this title and 30 per centum of the expenditures for the United States Court of Appeals for the District of Columbia from all appropriations under this title shall be reimbursed to the United States from any funds in the Treasury to the credit of the District of Columbia.

U.S. Court of
Appeals, reports.

SEC. 403. The reports of the United States Court of Appeals for the District of Columbia shall not be sold for a price exceeding that approved by the court and for not more than \$6.50 per volume.

Citation of title.

This title may be cited as the "Judiciary Appropriation Act, 1969".

TITLE V—RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchase and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; not to exceed \$83,000 for expenses of travel; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries when required by law of such countries; \$2,329,000: *Provided*, That where station allowance has been authorized by the Department of the Army for officers of the Army serving the Army at certain foreign stations, the same allowance shall be authorized for officers of the Armed Forces assigned to the Commission while serving at the same foreign stations, and this appropriation is hereby made available for the payment of such allowance: *Provided further*, That when traveling on business of the Commission, officers of the Armed Forces serving as members or as secretary of the Commission may be reimbursed for expenses as provided for civilian members of the Commission: *Provided further*, That the Commission shall reimburse other Government agencies, including the Armed Forces, for salary, pay, and allowances of personnel assigned to it.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For expenses necessary for the Commission on Civil Rights, including hire of passenger motor vehicles, \$2,650,000.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF EDUCATION

CIVIL RIGHTS EDUCATIONAL ACTIVITIES

For carrying out the provisions of title IV of the Civil Rights Act of 1964 relating to functions of the Commissioner of Education, including not to exceed \$1,500,000 for salaries and expenses, including services as authorized by 5 U.S.C. 3109, \$10,750,000.

78 Stat. 246.
42 USC 2000c-
2000c-9.
80 Stat. 416.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission established by title VII of the Civil Rights Act of 1964, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed \$700,000 for payments to State and local agencies for services to the Commission pursuant to title VII of the Civil Rights Act, \$8,750,000.

42 USC 2000e-
2000e-15.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902, \$3,653,000.

80 Stat. 508;
81 Stat. 206.

FOREIGN CLAIMS SETTLEMENT COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry on the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109; allowances and benefits similar to those provided by title IX of the Foreign Service Act of 1946, as amended, as determined by the Commission; expenses of packing, shipping, and storing personal effects of personnel assigned abroad; rental or lease, for such periods as may be necessary, of office space and living quarters for personnel assigned abroad; maintenance, improvement, and repair of properties rented or leased abroad, and furnishing fuel, water, and utilities for such properties; insurance on official motor vehicles abroad; and advances of funds abroad; not to exceed \$8,000 for expenses of travel; advances or reimbursements to other Government agencies for use of their facilities and services in carrying out the functions of the Commission; hire of motor vehicles for field use only; and employment of aliens; \$750,000.

60 Stat. 1025;
81 Stat. 671.
22 USC 1131-
1159.

NATIONAL COMMISSION ON REFORM OF FEDERAL CRIMINAL LAWS

SALARIES AND EXPENSES

80 Stat. 1516.
18 USC prec. 1
note.

For expenses necessary to carry out the provisions of the Act of November 8, 1966 (Public Law 89-801), including hire of passenger motor vehicles, \$250,000.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

31 USC 665.

For necessary expenses, not otherwise provided for, of the Small Business Administration, including hire of passenger motor vehicles, \$11,200,000, and in addition there may be transferred to this appropriation not to exceed a total of \$47,647,000, from the "Disaster loan fund," the "Business loan and investment fund" and the "Lease guarantees revolving fund," in such amounts as may be necessary for administrative expenses in connection with activities respectively financed under said funds: *Provided*, That 10 per centum of the amount authorized to be transferred from these revolving funds shall be apportioned for use, pursuant to section 3679 of the Revised Statutes, as amended, only in such amounts and at such times as may be necessary to carry out the business and disaster loan, and lease guarantee programs.

BUSINESS LOAN AND INVESTMENT FUND

DISASTER LOAN FUND

LEASE GUARANTEES REVOLVING FUND

61 Stat. 584.
31 USC 849.

The Small Business Administration is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the following funds, and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for the "Disaster loan fund", the "Business loan and investment fund", and the "Lease guarantees revolving fund."

PAYMENT OF PARTICIPATION SALES INSUFFICIENCIES

81 Stat. 431.
78 Stat. 800;
80 Stat. 164,
1236.
12 USC 1717.

For the payment of such insufficiencies as may be required by the Federal National Mortgage Association, as trustee, on account of outstanding beneficial interests or participations in obligations of the Small Business Administration authorized by the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1968, to be issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act, as amended, \$2,014,000.

SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

SALARIES AND EXPENSES

80 Stat. 416.

For expenses necessary for the Special Representative for Trade Negotiations, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, \$450,000: *Provided*, That none of the funds contained in this paragraph shall be made available for the collection and preparation of information which will not be available to Committees of Congress in the regular discharge of their duties.

SUBVERSIVE ACTIVITIES CONTROL BOARD

SALARIES AND EXPENSES

For necessary expenses of the Subversive Activities Control Board, including services as authorized by 5 U.S.C. 3109, not to exceed \$15,000 for expenses of travel, and not to exceed \$500 for the purchase of newspapers and periodicals, \$344,400.

80 Stat. 416.

TARIFF COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Tariff Commission, not to exceed \$60,000 for expenses of travel, and services as authorized by 5 U.S.C. 3109, \$3,850,000: *Provided*, That no part of this appropriation shall be used to pay the salary of any member of the Tariff Commission who shall hereafter participate in any proceedings under sections 336, 337, and 338 of the Tariff Act of 1930, wherein he or any member of his family has any special, direct, and pecuniary interest, or in which he has acted as attorney or special representative: *Provided further*, That no part of the foregoing appropriation shall be used for making any special study, investigation, or report at the request of any other agency of the executive branch of the Government unless reimbursement is made for the cost thereof.

46 Stat. 701.
19 USC 1336,
1337, 1338.

UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses, not otherwise provided for, for arms control and disarmament activities authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2589(a)), \$9,000,000.

75 Stat. 639;
79 Stat. 118.

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

For expenses necessary to enable the United States Information Agency, as authorized by Reorganization Plan No. 8 of 1953, the Mutual Educational and Cultural Exchange Act (75 Stat. 527), and the United States Information and Educational Exchange Act, as amended (22 U.S.C. 1431 et seq.), to carry out international information activities, including employment, without regard to the civil service and classification laws, of (1) persons on a temporary basis (not to exceed \$20,000), (2) aliens within the United States, and (3) aliens abroad for service in the United States relating to the translation or narration of colloquial speech in foreign languages (such aliens to be investigated for such employment in accordance with procedures established by the Director of the Agency and the Attorney General); travel expenses of aliens employed abroad for service in the United States and their dependents to and from the United States; salaries, expenses, and allowances of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158); entertainment within the United States not to exceed \$500; hire of passenger motor vehicles; insurance on official motor vehicles in foreign countries; services as authorized by 5 U.S.C. 3109; payment of tort claims, in the manner authorized in the first paragraph of section 2672, as amended, of title 28 of the United States Code when such claims arise in foreign countries; advance of funds notwithstanding section 3648 of the Revised Statutes, as amended; dues for

67 Stat. 642.
22 USC 1461
note.
22 USC 2451
note.
62 Stat. 6.

60 Stat. 999;
81 Stat. 671.

80 Stat. 306.

31 USC 529.

library membership in organizations which issue publications to members only, or to members at a price lower than to others; employment of aliens, by contract, for service abroad; purchase of ice and drinking water abroad; payment of excise taxes on negotiable instruments abroad; purchase of uniforms for not to exceed fourteen guards; actual expenses of preparing and transporting to their former homes the remains of persons, not United States Government employees, who may die away from their homes while participating in activities authorized under this appropriation; radio activities and acquisition and production of motion pictures and visual materials and purchase or rental of technical equipment and facilities therefor, narration, script-writing, translation, and engineering services, by contract or otherwise; maintenance, improvement, and repair of properties used for information activities in foreign countries; fuel and utilities for Government-owned or leased property abroad; rental or lease for periods not exceeding five years of offices, buildings, grounds, and living quarters for officers and employees engaged in informational activities abroad; travel expenses for employees attending official international conferences, without regard to the Standardized Government Travel Regulations and to the rates of per diem allowances in lieu of subsistence expenses under 5 U.S.C. 5701-5708, but at rates not in excess of comparable allowances approved for such conferences by the Secretary of State; and purchase of objects for presentation to foreign governments, schools, or organizations; \$159,990,000: *Provided*, That not to exceed \$110,000 may be used for representation abroad: *Provided further*, That this appropriation shall be available for expenses in connection with travel of personnel outside the continental United States, including travel of dependents and transportation of personal effects, household goods, or automobiles of such personnel, when any part of such travel or transportation begins in the current fiscal year pursuant to travel orders issued in that year, notwithstanding the fact that such travel or transportation may not be completed during the current year: *Provided further*, That passenger motor vehicles used abroad exclusively for the purposes of this appropriation may be exchanged or sold, pursuant to section 201(c) of the Act of June 30, 1949 (40 U.S.C. 481(c)), and the exchange allowances or proceeds of such sales shall be available for replacement of an equal number of such vehicles and the cost, including the exchange allowance of each such replacement, except buses and station wagons, shall not exceed \$1,500: *Provided further*, That, notwithstanding the provisions of section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), the United States Information Agency is authorized, in making contracts for the use of international short-wave radio stations and facilities, to agree on behalf of the United States to indemnify the owners and operators of said radio stations and facilities from such funds as may be hereafter appropriated for the purpose against loss or damage on account of injury to persons or property arising from such use of said radio stations and facilities: *Provided further*, That existing appointments and assignments to the Foreign Service Reserve for the purposes of foreign information and educational activities which expire during the current fiscal year may be extended for a period of one year in addition to the period of appointment or assignment otherwise authorized.

80 Stat. 498.

63 Stat. 384.

SALARIES AND EXPENSES (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the United States Information

Agency, as authorized by law, \$9,250,000, to remain available until expended.

SPECIAL INTERNATIONAL EXHIBITIONS

For expenses necessary to carry out the functions of the United States Information Agency under section 102(a)(3) of the Mutual Educational and Cultural Exchange Act of 1961 (75 Stat. 527), \$3,500,000, to remain available until expended: *Provided*, That not to exceed a total of \$7,200 may be expended for representation.

76 Stat. 263.
22 USC 2452.

SPECIAL INTERNATIONAL EXHIBITIONS (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the United States Information Agency in connection with special international exhibitions under the Mutual Educational and Cultural Exchange Act of 1961 (75 Stat. 527), \$428,000, to remain available until expended: *Provided*, That not to exceed \$1,250 may be expended for representation.

22 USC 2451
note.

TITLE VI—FEDERAL PRISON INDUSTRIES, INCORPORATED

The following corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to such corporation, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of not to exceed five (for replacement only) and hire of passenger motor vehicles, except as hereinafter provided:

61 Stat. 584.
31 USC 849.

LIMITATION ON ADMINISTRATIVE AND VOCATIONAL TRAINING EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed \$780,000 of the funds of the corporation shall be available for its administrative expenses, and not to exceed \$2,457,000 for the expenses of vocational training of prisoners, both amounts to be available for services as authorized by 5 U.S.C. 3109, and to be computed on an accrual basis and to be determined in accordance with the corporation's prescribed accounting system in effect on July 1, 1946, and shall be exclusive of depreciation, payment of claims, expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

80 Stat. 416.

TITLE VII—GENERAL PROVISIONS

SEC. 701. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

Publicity or
propaganda.

SEC. 702. No part of any appropriation contained in this Act shall be used to administer any program which is funded in whole or in part from foreign currencies or credits for which a specific dollar appropriation therefor has not been made.

Foreign cur-
rency funded pro-
grams.

Fiscal year
limitation.

SEC. 703. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Interdepart-
mental groups.

SEC. 704. None of the funds in this Act shall be available to finance interdepartmental boards, commissions, councils, committees, or similar groups under sec. 214 of the Independent Offices Appropriation Act, 1946 (31 U.S.C. 691) which do not have prior and specific Congressional approval of such method of financial support.

59 Stat. 134.

Payments to
convicted rioters,
prohibition.

SEC. 705. No part of the funds appropriated by this Act shall be used to pay the salary of any Federal employee who is finally convicted in any Federal, State, or local court of competent jurisdiction, of inciting, promoting, or carrying on a riot resulting in material damage to property or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned.

Short title.

This Act may be cited as the "Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1969".

Approved August 9, 1968.

Public Law 90-471

August 9, 1968
[H. R. 15189]

AN ACT

To authorize appropriations for certain maritime programs of the Department of Commerce.

Maritime pro-
grams.
Appropriation
authorization,
1969.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds are hereby authorized to be appropriated without fiscal year limitation as the appropriation Act may provide for the use of the Department of Commerce, for the fiscal year 1969, as follows:

(a) acquisition, construction, or reconstruction of vessels and construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, or reconditioning of ships, \$200,000,000;

(b) payment of obligations incurred for operating-differential subsidy, \$206,000,000;

(c) expenses necessary for research and development activities (including reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental ship operations), \$10,960,000;

(d) reserve fleet expenses, \$5,279,000;

(e) maritime training at the Merchant Marine Academy at Kings Point, New York, \$5,177,000; and

(f) financial assistance to State marine schools, \$2,035,000.

None of the construction, reconstruction, or reconditioning of ships authorized in paragraph (a) shall be procured from other than shipyards and facilities within the United States.

Approved August 9, 1968.

Public Law 90-472

AN ACT

August 9, 1968
[H. R. 3136]

To authorize the Secretary of Commerce to make a study to determine the advantages and disadvantages of increased use of the metric system in the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce is hereby authorized to conduct a program of investigation, research, and survey to determine the impact of increasing worldwide use of the metric system on the United States; to appraise the desirability and practicability of increasing the use of metric weights and measures in the United States; to study the feasibility of retaining and promoting by international use of dimensional and other engineering standards based on the customary measurement units of the United States; and to evaluate the costs and benefits of alternative courses of action which may be feasible for the United States.

Metric system.
Study.

SEC. 2. In carrying out the program described in the first section of this Act, the Secretary, among other things, shall—

Investigation
and appraisal re-
quirements.

(1) investigate and appraise the advantages and disadvantages to the United States in international trade and commerce, and in military and other areas of international relations, of the increased use of an internationally standardized system of weights and measures;

(2) appraise economic and military advantages and disadvantages of the increased use of the metric system in the United States or of the increased use of such system in specific fields and the impact of such increased use upon those affected;

(3) conduct extensive comparative studies of the systems of weights and measures used in educational, engineering, manufacturing, commercial, public, and scientific areas, and the relative advantages and disadvantages, and degree of standardization of each in its respective field;

(4) investigate and appraise the possible practical difficulties which might be encountered in accomplishing the increased use of the metric system of weights and measures generally or in specific fields or areas in the United States;

(5) permit appropriate participation by representatives of United States industry, science, engineering, and labor, and their associations, in the planning and conduct of the program authorized by the first section of this Act, and in the evaluation of the information secured under such program; and

(6) consult and cooperate with other government agencies, Federal, State, and local, and, to the extent practicable, with foreign governments and international organizations.

SEC. 3. In conducting the studies and developing the recommendations required in this Act, the Secretary shall give full consideration to the advantages, disadvantages, and problems associated with possible changes in either the system of measurement units or the related dimensional and engineering standards currently used in the United States, and specifically shall—

Changes in
measurement
system, results.

(1) investigate the extent to which substantial changes in the size, shape, and design of important industrial products would be necessary to realize the benefits which might result from general use of metric units of measurement in the United States;

(2) investigate the extent to which uniform and accepted engineering standards based on the metric system of measurement units are in use in each of the fields under study and compare the

extent to such use and the utility and degree of sophistication of such metric standards with those in use in the United States; and

(3) recommend specific means of meeting the practical difficulties and costs in those areas of the economy where any recommended change in the system of measurement units and related dimensional and engineering standards would raise significant practical difficulties or entail significant costs of conversion.

Report to Congress.

SEC. 4. The Secretary shall submit to the Congress such interim reports as he deems desirable, and within three years after the date of the enactment of this Act, a full and complete report of the findings made under the program authorized by this Act, together with such recommendations as he considers to be appropriate and in the best interests of the United States.

Funds.

SEC. 5. From funds previously appropriated to the Department of Commerce, the Secretary is authorized to utilize such appropriated sums as are necessary, but not to exceed \$500,000, to carry out the purposes of this Act for the first year of the program.

Expiration date.

SEC. 6. This Act shall expire thirty days after the submission of the final report pursuant to section 3.

Approved August 9, 1968.

Public Law 90-473

August 10, 1968
[H. R. 18706]

AN ACT

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1969, and for other purposes.

District of
Columbia Approp-
riation Act,
1969.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending June 30, 1969, and for other purposes, namely:

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the following funds of the District of Columbia for the fiscal year ending June 30, 1969: \$79,000,000 to the general fund; \$2,098,000 to the water fund; and \$1,184,000 to the sanitary sewage works fund, as authorized by the District of Columbia Revenue Act of 1947, as amended (D.C. Code, Sec. 47-2501(a); 81 Stat. 339), and the Act of May 18, 1954 (D.C. Code, Sec. 43-1541 and 1611).

Ante, p. 612.

LOANS TO THE DISTRICT OF COLUMBIA FOR CAPITAL OUTLAY

For loans to the District of Columbia as authorized by the Act of May 18, 1954 (68 Stat. 101), and the Act of June 6, 1958, as amended (D.C. Code, Sec. 9-220(b); 81 Stat. 339), \$66,473,000, which together with balances of previous appropriations for this purpose, shall remain available until expended and be advanced upon request of the Commissioner to the following funds: general fund, \$57,223,000; highway fund, \$8,000,000; and water fund, \$1,250,000.

D.C. Code 43-
1601 note.

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided:

GENERAL OPERATING EXPENSES

General operating expenses, \$31,770,000, of which \$470,500 shall be payable from the highway fund (including \$59,000 from the motor-vehicle parking account), \$80,000 from the water fund, and \$59,000 from the sanitary sewage works fund: *Provided*, That the certificates of the Commissioner (for \$2,500) and of the Chairman of the City Council (for \$2,500) shall be sufficient voucher for expenditures from this appropriation for such purposes, exclusive of ceremony expenses, as they may respectively deem necessary: *Provided further*, That, for the purpose of assessing and reassessing real property in the District of Columbia, \$5,000 of the appropriation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not in excess of \$100 per diem: *Provided further*, That not to exceed \$7,500 of this appropriation shall be available for test borings and soil investigations: *Provided further*, That \$675,000 of this appropriation (to remain available until expended) shall be available solely for District of Columbia employees' disability compensation.

80 Stat. 416.

PUBLIC SAFETY

Public safety, including employment of consulting physicians, diagnosticians, and therapists at rates to be fixed by the Commissioner; cash gratuities of not to exceed \$75 to each released prisoner; purchase of one hundred and eighty-four passenger motor vehicles (including one hundred and seventy-five for police-type use and seven for fire-type use without regard to the general purchase price limitation for the current fiscal year but not in excess of \$400 per vehicle for police-type and \$600 per vehicle for fire-type use above such limitation) of which one hundred and eight are for replacement purposes; \$104,531,000, of which \$4,538,000 shall be payable from the highway fund (including \$112,000 from the motor vehicle parking account), \$5,000 from the water fund, and \$4,000 from the sanitary sewage works fund: *Provided*, That not to exceed \$50,000 of any funds from appropriations available to the District of Columbia may be used to match financial contributions from the Department of Defense to the District of Columbia Office of Civil Defense for the purchase of civil defense equipment and supplies approved by the Department of Defense, when authorized by the Commissioner: *Provided further*, That the Police Department and Fire Department are each authorized to replace not to exceed five passenger carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths the cost of the

replacement: *Provided further*, That not to exceed \$25,000 of this appropriation shall be available for settlement of claims not in excess of \$250 each: *Provided further*, That \$425,000 of this appropriation shall be transferred to the judiciary and disbursed by the Administrative Office of the United States Courts for expenses of the Legal Aid Agency of the District of Columbia.

EDUCATION

Education, including purchase of twenty-four passenger motor vehicles of which twelve shall be for replacement only, provision of insurance, maintenance, and acceptance of not to exceed thirty passenger motor vehicles on a loan basis for exclusive use in the driver education program, the development of national defense education programs, and matching of Federal grants under the National Defense Education Act of September 2, 1958 (72 Stat. 1580), as amended, \$108,676,000, of which \$125,100 shall be payable from the highway fund: *Provided*, That the certificates of the Superintendent of Schools, the President of the Federal City College, and the President of the Washington Technical Institute, shall each be sufficient voucher for the expenditure of \$1,000 of this appropriation for such purposes as they may respectively deem necessary.

Section 5533(c) of title 5, United States Code, shall not apply to compensation received by teachers of the public schools of the District of Columbia for employment in a civilian office during the period July 1, 1968, to August 31, 1968.

PARKS AND RECREATION

Parks and recreation, including the purchase, acquisition, and transportation of specimens for the National Zoological Park, \$16,983,988, of which \$32,000 shall be payable from the highway fund.

HEALTH AND WELFARE

Health and welfare, including reimbursement to the United States for services rendered to the District of Columbia by Freedmen's Hospital; purchase of eight passenger motor vehicles for replacement only; and care and treatment of indigent patients in institutions, including those under sectarian control, under contracts to be made by the Director of Public Health; \$121,356,000: *Provided*, That the inpatient rate and outpatient rate under such contracts, with the exception of Children's Hospital, and for services rendered by Freedmen's Hospital shall not exceed \$38 per diem and the outpatient rate shall not exceed \$6 per visit; the inpatient rate and outpatient rate for Children's Hospital shall not exceed \$40 per diem and \$6.75 per visit; and the inpatient rate (excluding the proportionate share for repairs and construction) for services rendered by Saint Elizabeths Hospital for patient care shall be \$15.95 per diem: *Provided further*, That this

20 USC 401
note.

81 Stat. 637.

appropriation shall be available for the furnishing of medical assistance to individuals sixty-five years of age or older who are residing in the District of Columbia without regard to the requirement of one-year residence contained in the District of Columbia Appropriation Act, 1946, under the heading "Operating Expenses, Gallinger Municipal Hospital", and this appropriation shall also be available to render assistance to such individuals who are temporarily absent from the District of Columbia: *Provided further*, That the authorization included under the heading "Department of Public Health", in the District of Columbia Appropriation Act, 1961, for compensation of convalescent patients as an aid to their rehabilitation is hereby extended to the Department of Vocational Rehabilitation: *Provided further*, That this appropriation shall be available for the treatment, in any institution under the jurisdiction of the Commissioner and located either within or without the District of Columbia, of individuals found by a court to be chronic alcoholics.

59 Stat. 282.
D.C. Code 32-
321.

74 Stat. 21.

HIGHWAYS AND TRAFFIC

Highways and traffic, including \$98,867 for traffic safety education without reference to any other law; \$400 for membership in the American Association of Motor Vehicle Administrators and \$800 for membership in the Vehicle Equipment Safety Commission; rental of three passenger-carrying vehicles for use by the Commissioner, Deputy Commissioner, and Chairman of the City Council; and purchase of fifty-four passenger motor vehicles, of which thirty-four shall be for replacement only; \$17,621,000, of which \$11,963,000 shall be payable from the highway fund (including \$938,000 from the motor vehicle parking account): *Provided*, That this appropriation shall not be available for the purchase of driver-training vehicles.

SANITARY ENGINEERING

Sanitary engineering, including the purchase of fourteen passenger motor vehicles for replacement only, \$30,735,000, of which \$8,773,000 shall be payable from the water fund, \$6,310,000 from the sanitary sewage works fund, and \$107,000 from the metropolitan area sanitary sewage works fund.

METROPOLITAN POLICE

ADDITIONAL MUNICIPAL SERVICES, INAUGURAL CEREMONIES

Metropolitan Police (additional municipal services, inaugural ceremonies), including payment at basic salary rates for services performed on the day before Inauguration Day, Inauguration Day, and the first day thereafter, by officers and members of the police and fire departments in excess of the regular tours of duty (but not to exceed a total of sixteen hours overtime pay to any individual officer or member performing service on such days) with such overtime to be chargeable to this appropriation or to the appropriations of the police and fire departments, \$440,000.

PERSONAL SERVICES, WAGE-BOARD EMPLOYEES

For pay increases and related retirement costs for wage-board employees, to be transferred by the Commissioner of the District of Columbia to the appropriations for the fiscal year 1969 from which said employees are properly payable, \$787,000.

REPAYMENT OF LOANS AND INTEREST

For reimbursement to the United States of funds loaned in compliance with sections 108, 217, and 402 of the Act of May 18, 1954 (68 Stat. 103, 109, and 110), as amended; section 9 of the Act of September 7, 1957 (71 Stat. 619), as amended; section 1 of the Act of June 6, 1958 (72 Stat. 183); and section 4 of the Act of June 12, 1960 (74 Stat. 211), including interest as required thereby, \$8,769,000, of which \$3,261,077 shall be payable from the highway fund, \$1,406,808 from the water fund, and \$497,696 from the sanitary sewage works fund.

CAPITAL OUTLAY

For reimbursement to the United States of funds loaned in compliance with section 4 of the Act of May 29, 1930 (46 Stat. 482), as amended, the Act of August 7, 1946 (60 Stat. 896), as amended, the Act of May 14, 1948 (62 Stat. 235), and payments under the Act of July 2, 1954 (68 Stat. 443); construction projects as authorized by the Acts of April 22, 1904 (33 Stat. 244), February 16, 1942 (56 Stat. 91), May 18, 1954 (68 Stat. 105, 110), June 6, 1958 (72 Stat. 183), and August 20, 1958 (72 Stat. 686); including acquisition of sites; preparation of plans and specifications; conducting preliminary surveys; erection of structures, including building improvement and alteration and treatment of grounds; to remain available until expended, \$98,510,000, of which \$10,588,000 shall be payable from the highway fund, \$2,377,000 from the water fund, and \$4,310,000 from the sanitary sewage works fund: *Provided*, That \$44,307,000 of this appropriation shall not be available for expenditure until July 1, 1969: *Provided further*, That \$7,046,020 shall be available for construction services by the Director of Buildings and Grounds or by contract for architectural engineering services, as may be determined by the Commissioner, and the funds for the use of the Director of Buildings and Grounds shall be advanced to the appropriation account, "Construction services, Department of Buildings and Grounds": *Provided further*, That the title to a tract of land in Scotland, Maryland (Police Boys' Club Camp Number 2) shall be taken directly to and in the name of the United States.

GENERAL PROVISIONS

Vouchers.

SEC. 2. Except as otherwise provided herein, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official without countersignature.

Maximum amount.

SEC. 3. Whenever in this Act an amount is specified within an appropriation for particular purposes or object of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount which may be expended for said purpose or object rather than an amount set apart exclusively therefor.

Automobile allowances.

SEC. 4. Appropriations in this Act shall be available, when authorized or approved by the Commissioner, for allowances for privately owned automobiles used for the performance of official duties at 10

cents per mile but not to exceed \$35 a month for each automobile, unless otherwise therein specifically provided, except that one hundred and sixty-three (fifty for investigators in the Department of Public Welfare and eighteen for venereal disease investigators in the Department of Public Health) such allowances at not more than \$550 each per annum may be authorized or approved by the Commissioner.

SEC. 5. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Commissioner: *Provided*, That the total expenditures for this purpose shall not exceed \$122,700.

SEC. 6. Appropriations in this Act shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 7. The disbursing officials designated by the Commissioner are authorized to advance to such officials as may be approved by the Commissioner such amounts and for such purposes as he may determine.

SEC. 8. Appropriations in this Act shall not be used for or in connection with the preparation, issuance, publication, or enforcement of any regulation or order of the Public Service Commission requiring the installation of meters in taxicabs, or for or in connection with the licensing of any vehicle to be operated as a taxicab except for operation in accordance with such system of uniform zones and rates and regulations applicable thereto as shall have been prescribed by the Public Service Commission.

SEC. 9. Appropriations in this Act shall not be available for the payment of rates for electric current for street lighting in excess of 2 cents per kilowatt-hour for current consumed.

SEC. 10. All motor-propelled passenger-carrying vehicles (including watercraft) owned by the District of Columbia shall be operated and utilized in conformity with section 16 of the Act of August 2, 1946 (60 Stat. 810), and shall be under the direction and control of the Commissioner, who may from time to time alter or change the assignment for use thereof, or direct the alteration of interchangeable use of any of the same by officers and employees of the District, except as otherwise provided in this Act. "Official purposes" as used in section 16 shall not apply to the Commissioner, the Deputy Commissioner, and the Chairman of the City Council of the District of Columbia or in cases of officers and employees the character of whose duties makes such transportation necessary, but only as to such latter cases when approved by the Commissioner.

SEC. 11. Appropriations contained in this Act for highways and traffic and sanitary engineering shall be available for snow and ice control work when ordered by the Commissioner in writing.

SEC. 12. Appropriations in this Act shall be available, when authorized by the Commissioner, for the rental of quarters without reference to section 6 of the District of Columbia Appropriation Act, 1945.

SEC. 13. Appropriations in this Act shall be available for the furnishing of uniforms when authorized by the Commissioner.

SEC. 14. There are hereby appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments which have been entered against the government of the District of Columbia, including refunds authorized by section 10 of the Act approved April 23, 1924 (43 Stat. 108): *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of paragraph 3, subsection (c) of section 11 of title XII of the District of Columbia Income and Franchise Tax Act of 1947, as amended.

Travel expenses.

Experts and consultants.
80 Stat. 416.
Advancement of funds.

Restrictions.

Vehicle use.

31 USC 638a.

Snow and ice control.

Rental of quarters.

58 Stat. 532.
D.C. Code 1-243.
Uniforms.
Judgment payments.

D.C. Code 47-1910.

70 Stat. 78.
D.C. Code 47-1586j.

SEC. 15. Except as otherwise provided herein, limitations and legislative provisions contained in the District of Columbia Appropriation Act, 1961, shall be continued for the fiscal year 1969: *Provided*, That the limitation for "Construction Services, Department of Buildings and Grounds" contained in the District of Columbia Appropriation Act, 1961, as amended by the District of Columbia Appropriation Act, 1966, which increased to 8 per centum of appropriations for construction projects in excess of \$500,000 and to 10 per centum of appropriations for construction projects under \$500,000 shall be further amended to 10 per centum of appropriations for all construction projects.

74 Stat. 23;
79 Stat. 242.

Restriction.

SEC. 16. Appropriations in this Act shall not be used for the assignment or transportation of students to public schools in the District of Columbia in order to overcome racial imbalance.

SEC. 17. The cost-of-living allowance annualized in the appropriation for the Department of Welfare shall be limited to the "net payment" in computing the assistance payments for recipients in the five regular categories of public assistance.

SEC. 18. No part of any any appropriation contained in this Act shall remain available for obligation beyond the current year unless expressly so provided herein.

Short title.

This Act may be cited as the "District of Columbia Appropriation Act, 1969".

Approved August 10, 1968.

Public Law 90-474

August 11, 1968
[H. R. 18254]

AN ACT

To amend further section 27 of the Merchant Marine Act, 1920.

Vessels.
Empty cargo
vans.
79 Stat. 823.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last proviso to section 27, Merchant Marine Act, 1920, as amended (46 U.S.C. 883), is amended to read as follows: "*Provided further*, That upon such terms and conditions as the Secretary of the Treasury by regulation may prescribe, and, if the transporting vessel is of foreign registry, upon a finding by the Secretary of the Treasury, pursuant to information obtained and furnished by the Secretary of State, that the government of the nation of registry extends reciprocal privileges to vessels of the United States, this section shall not apply to the transportation by vessels of the United States not qualified to engage in the coastwise trade, or by vessels of foreign registry, of (a) empty cargo vans, empty lift vans, and empty shipping tanks, (b) equipment for use with cargo vans, lift vans, or shipping tanks, (c) empty barges specifically designed for carriage aboard a vessel, and (d) any empty instrument for international traffic exempted from application of the customs laws by the Secretary of the Treasury pursuant to the provisions of section 322(a), Tariff Act of 1930 (19 U.S.C. 1322(a)), if the articles described in clauses (a) through (d) are owned or leased by the owner or operator of the transporting vessel and are transported for his use in handling his cargo in foreign trade; and (e) stevedoring equipment and material, if such equipment and material is owned or leased by the owner or operator of the transporting vessel, or is owned or leased by the stevedoring company contracting for the lading or unlading of that vessel, and is transported without charge for use in the handling of cargo in foreign trade."

67 Stat. 516.

Approved August 11, 1968.

Public Law 90-475

AN ACT

August 11, 1968
[H. R. 10864]

To authorize the Secretary of the Agriculture to convey certain lands in Saline County, Arkansas, to the Dierks Forests, Incorporated, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized to convey by quitclaim deed to Dierks Forests, Incorporated, all of the right, title, and interest of the United States in and to the following described tract of land in the county of Saline, State of Arkansas:

Dierks Forests,
Inc.
Land convey-
ance.

Beginning at the northeast corner of the northeast quarter of the northwest quarter of section 1, township 1 north, range 18 west, fifth principal meridian;

thence west along the north boundary line of the east 20 acres of said northeast quarter of the northwest quarter to the northwest corner thereof;

thence south 5.85 chains along the west boundary line of said east 20 acres;

thence east 9.53 chains to the east boundary line of said east 20 acres;

thence north along the east boundary line of said east 20 acres to the place of beginning, containing 5.28 acres, more or less.

SEC. 2. The conveyance authorized by section 1 shall be made upon condition that Dierks Forests, Incorporated, shall execute and record a reconveyance to the United States of the following described land patented to Dierks Forests, Incorporated, on January 7, 1959, under patent numbered 1190250:

The southeast quarter of the southeast quarter of section 22, township 1 south, range 17 west, fifth principal meridian.

SEC. 3. Upon the reconveyance to the United States of the land described in section 2, the tract shall be held and treated as if it had not been patented.

SEC. 4. Section 347(b) of the Agricultural Adjustment Act of 1938, as amended, is amended to read as follows:

Agriculture Ad-
justment Act of
1938, amendment.
Long staple
cotton, national
marketing quota.
66 Stat. 759.
7 USC 1347.

"(b) (1) The Secretary shall, not later than October 15 of each calendar year, proclaim the amount of the national marketing quota for the crop of cotton described in subsection (a) produced in the next succeeding calendar year in terms of the quantity of such cotton equal to the estimated domestic consumption plus exports for the marketing year which begins in such succeeding calendar year, less the estimated imports, plus such additional number of bales, if any, as the Secretary determines is necessary to assure adequate working stocks in trade channels until cotton from the next crop becomes readily available without resort to Commodity Credit Corporation stocks: *Provided*, That the Secretary may reduce the national marketing quota so determined for any crop for the purpose of reducing surplus stocks, but not below the minimum quota prescribed under paragraph (2) of this subsection.

"(2) The national marketing quota for any crop shall not be less than the amount of the import quota in effect on August 1, 1967, for the year beginning on such date for extra long staple cotton (one and three-eighths inches or more) in pounds converted to standard bales of five hundred pounds gross weight, established pursuant to section 22 of the Agricultural Adjustment Act (of 1933), as amended.

Minimum quota.

"(3) Notwithstanding the provisions of paragraph (1) of this subsection, the national marketing quota shall be the minimum quota under paragraph (2) of this subsection for each crop of such cotton for which the Secretary estimates that the carryover of American

64 Stat. 261.
7 USC 624.

60 Stat. 596.
50 USC 98 note.

grown extra long staple cotton at the beginning of the marketing year for the crop for which the quota is proclaimed (excluding any such cotton in the stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act, as amended) will be more than 50 per centum of the estimated domestic consumption and exports of American grown extra long staple cotton for such marketing year: *Provided*, That the foregoing provisions of this sentence shall not apply for any crop for which the carryover so estimated is an amount equal to 50 per centum or less of the estimated domestic consumption and exports of American grown extra long staple cotton for the marketing year for such crop, and such provisions shall not apply to any crop following the first crop for which this proviso comes into operation.

“(4) The provisions of paragraphs (1), (2), and (3) of this subsection shall apply to the 1969 and each succeeding crop of cotton described in subsection (a) of this section.”

Price support
payments.
71 Stat. 27;
72 Stat. 296.
7 USC 1441.

SEC. 5. Section 101(f) of the Agricultural Act of 1949, as amended, is amended by striking out all of the first sentence following the words “except that”, and substituting in lieu therefor the following: “notwithstanding any other provision of this Act, price support shall be made available to cooperators for the 1968 and each subsequent crop of extra long staple cotton, if producers have not disapproved marketing quotas therefor, through loans at a level which is not less than 50 per centum or more than 100 per centum in excess of the loan level established for Middling one-inch upland cotton of such crop at average location in the United States (except that such loan level for extra long staple cotton shall in no event be less than 35 cents per pound) and, in addition, through price-support payments at a rate which, together with the loan level established for such crop, shall be not less than 65 per centum or more than 90 per centum of the parity price for extra long staple cotton as of the month in which the payment rate provided for by this subsection is announced. Such payment with respect to any farm shall be made on the quantity of extra long staple cotton, determined in accordance with regulations prescribed by the Secretary, equal to either (1) for a farm on which the acreage planted to such cotton does not exceed an acreage determined by multiplying the farm acreage allotment by the price-support payment factor established by the Secretary for each crop, the actual production of such cotton on the farm, or (2) for a farm on which the acreage planted to such cotton exceeds an acreage determined by multiplying the farm acreage allotment by the price-support payment factor but does not exceed the farm acreage allotment, the actual production of such cotton on the farm attributable to the number of acres determined by multiplying the farm acreage allotment by such price-support payment factor. The Secretary shall establish the price-support payment factor for each such crop of extra long staple cotton by dividing the 1966 national acreage allotment for such cotton by the national acreage allotment proclaimed for such crop, except that such factor shall not be more than one. The Secretary shall provide for the sharing of price-support payments under this subsection among producers on a farm on the basis of their respective shares in the crop of extra long staple cotton produced on the farm, or the proceeds therefrom. The provisions of subsection 8(g) of the Soil Conservation and Domestic Allotment Act, as amended (relating to assignment of payments), shall also apply to payments under this subsection. The Commodity Credit Corporation is authorized to utilize its capital funds and other assets for the purpose of making the payments authorized in this subsection and to pay administrative expenses necessary in carrying out this subsection.”

80 Stat. 1167.
16 USC 590h.

Extra long
staple cotton,
allotment trans-
fers.
66 Stat. 759.
7 USC 1347.

SEC. 6. Section 347 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding the following new subsections at the end thereof to read as follows:

“(f) Notwithstanding any other provision of law, beginning with the 1968 crop of extra long staple cotton, the Secretary, if he determines that it will not impair the effective operation of the program involved, (1) may permit the owner and operator of any farm for which an extra long staple cotton acreage allotment is established to sell or lease all or any part or the right to all or any part of such allotment to any other owner or operator of a farm for transfer to such farm; (2) may permit the owner of a farm to transfer all or any part of such allotment to any other farm owned or controlled by him. No allotment shall be transferred under this subsection to a farm in another State or to a person for use in another State. The Secretary shall prescribe regulations for the administration of this subsection and may prescribe such terms and conditions as he deems necessary.

“(g) Notwithstanding any other provision of law, if the extra long staple cotton acreage allotment established for any farm for the 1968 and subsequent crops is greater than such allotment for the preceding crop, because of transfers under subsection (f) of this section or for any other reason, the soil conserving base established for the farm shall be reduced by the same number of acres that the allotment is increased for that year.”

Soil conserving
base, reduction.

SEC. 7. Section 407 of the Agricultural Act of 1949, as amended, is amended by adding at the end thereof the following: “Notwithstanding any other provision of this section, effective August 1, 1968, the Commodity Credit Corporation shall make available during each marketing year for sale for unrestricted use at market prices at the time of sale, a quantity of American grown extra long staple cotton equal to the amount by which the production of such cotton in the calendar year in which such marketing year begins is less than the estimated requirements of American grown extra long staple cotton for domestic use and for export for such marketing year: *Provided*, That no sales shall be made at less than 115 per centum of the loan rate for extra long staple cotton under section 101(f) of this Act beginning with the marketing year for the first crop for which the national marketing quota for extra long staple cotton is not established under paragraph (3) of section 347(b) of the Agricultural Adjustment Act of 1938, as amended. The Secretary may make such estimates and adjustments therein at such times as he determines will best effectuate the provisions of the foregoing sentence and such quantities of cotton as are required to be sold under such sentence shall be offered for sale in an orderly manner and so as not to affect market prices unduly.”

American grown
extra long staple
cotton, sale at
market prices.
63 Stat. 1055.
7 USC 1427.

Ante, p. 702.

Ante, p. 701.

SEC. 8. Section 3 of Public Law 88-638 (78 Stat. 1038) is hereby repealed effective August 1, 1968.

Repeal.
7 USC 1852a.

Approved August 11, 1968.

Public Law 90-476

AN ACT

To amend the Act of August 25, 1959 (73 Stat. 420), pertaining to the affairs of the Choctaw Tribe of Oklahoma.

August 11, 1968
[H. R. 16086]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of August 25, 1959 (73 Stat. 420), as amended, is further amended as follows: the words “nine years”, which appear twice in section 1(a), once in section 1(d), once in section 11, once in section 12(a), and once in section 12(b), are changed to “eleven years”.

Choctaw In-
dians.
Property dispo-
sition.
79 Stat. 432.
25 USC 355
note.

Approved August 11, 1968.

Public Law 90-477

August 11, 1968
[H. R. 13781]

AN ACT

To amend title II of the Marine Resources and Engineering Development Act of 1966.

Sea-grant colleges and programs.

Appropriation to National Science Foundation.

80 Stat. 999.

33 USC 1122.

33 USC 1123.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title II of the Marine Resources and Engineering Development Act of 1966 is amended as follows:

(1) Section 203(b)(1) of the Marine Resources and Engineering Development Act of 1966 is amended by inserting immediately after "for the fiscal year ending June 30, 1968, not to exceed the sum of \$15,000,000," the following: "for the fiscal year ending June 30, 1969, not to exceed the sum of \$6,000,000, for the fiscal year ending June 30, 1970, not to exceed the sum of \$15,000,000,".

(2) Section 204(d)(1) of the Marine Resources and Engineering Development Act of 1966 is amended by deleting the phrase "in any fiscal year" each time it appears therein.

Approved August 11, 1968.

Public Law 90-478

August 11, 1968
[H. R. 14367]

AN ACT

To authorize the disposal of beryl ore from the national stockpile and the supplemental stockpile.

Beryl ore.
Disposal.

60 Stat. 596.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of, by negotiation or otherwise, approximately nine thousand eight hundred and eighty-eight short tons of beryl ore now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456, as amended by 73 Stat. 607). Such disposition may be made without regard to the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

Approved August 11, 1968.

Public Law 90-479

AN ACT

August 12, 1968
[H. R. 17903]

Making appropriations for public works for water and power resources development, including certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atlantic-Pacific Interoceanic Canal Study Commission, the Delaware River Basin Commission, Interstate Commission on the Potomac River Basin, the Tennessee Valley Authority, and the Water Resources Council, and the Atomic Energy Commission, for the fiscal year ending June 30, 1969, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1969, for public works for water and power resources development, including certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atlantic-Pacific Interoceanic Canal Study Commission, the Delaware River Basin Commission, Interstate Commission on the Potomac River Basin, the Tennessee Valley Authority, the Water Resources Council, and the Atomic Energy Commission, and for other purposes, namely:

Public Works for
Water and Power
Resources Development and
Atomic Energy
Commission Appropriation Act,
1969.

TITLE I—DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CEMETERIAL EXPENSES

SALARIES AND EXPENSES

For necessary cemeterial expenses as authorized by law, including maintenance, operation, and improvement of national cemeteries, and purchase of headstones and markers for unmarked graves; purchase of six passenger motor vehicles for replacement only; maintenance of that portion of Congressional Cemetery to which the United States has title, Confederate burial places under the jurisdiction of the Department of the Army, and graves used by the Army in commercial cemeteries; \$15,000,000: *Provided*, That this appropriation shall not be used to repair more than a single approach road to any national cemetery: *Provided further*, That this appropriation shall not be obligated for construction of a superintendent's lodge or family quarters at a cost per unit in excess of \$17,000, but such limitation may be increased by such additional amounts as may be required to provide office space, public comfort rooms, or space for the storage of Government property within the same structure: *Provided further*, That reimbursement shall be made to the applicable military appropriation for the pay and allowances of any military personnel performing services primarily for the purposes of this appropriation.

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes:

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, and when authorized by law, surveys and studies of projects prior to authorization for construction, \$30,015,000, to remain available until expended: *Provided*, That \$582,000 of this appropriation shall be transferred to the Bureau of Sport Fisheries and Wildlife for Studies, investigations, and reports thereon as required by the Fish and Wildlife Coordination Act of 1958 (72 Stat. 563–565) to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs of the Department of the Army.

16 USC 661
note.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by law; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction); \$865,682,500, to remain available until expended: *Provided*, That no part of this appropriation shall be used for projects not authorized by law or which are authorized by law limiting the amount to be appropriated therefor, except as may be within the limits of the amount now or hereafter authorized to be appropriated: *Provided further*, That in connection with the rehabilitation of the Snake Creek Embankment of the Garrison Dam and Reservoir Project, North Dakota, the Corps of Engineers is authorized to participate with the State of North Dakota to the extent of one-half the cost of widening the present embankment to provide a four-lane right-of-way for U.S. Highway 83 in lieu of the present two-lane highway: *Provided further*, That funds appropriated for the Robert S. Kerr Lock and Dam, Oklahoma, shall be available to provide a 9-foot deep auxiliary navigation channel and 1,000-foot-long turning basin along Sans Bois Creek, with appropriate widths and an overall length of approximately ten miles: *Provided further*, That \$550,000 of this appropriation shall be transferred to the Bureau of Sport Fisheries and Wildlife for studies, investigations, and reports thereon as required by the Fish and Wildlife Coordination Act of 1958 (72 Stat. 563–565) to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs of the Department of the Army.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; financing the United States share of the cost of pumping water from Lake Okeechobee to the Everglades National Park; activities of the California Debris Commission; administration of laws pertaining to preservation of navigable waters; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation; \$223,700,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane and shore protection activities, as authorized by section 5 of the Flood Control Act, approved August 18, 1941, as amended, \$5,000,000, to remain available until expended.

69 Stat. 186;
76 Stat. 1194.
33 USC 701n.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g-1), \$69,600,000, to remain available until expended, of which \$425,000 shall be available for the construction of road crossings of the Panola-Quitman Floodway at Crowder and Paducah Wells, Mississippi.

45 Stat. 534;
49 Stat. 1511.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Board of Engineers for Rivers and Harbors and the Coastal Engineering Research Center; commercial statistics; and miscellaneous investigations; \$20,775,000.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for expenses of attendance by military personnel at meetings in the manner authorized by section 19(b) of the Act of July 7, 1958 (72 Stat. 336), uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), and for printing, either during a recess or session of Congress, of survey reports authorized by law, and such survey reports as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress; and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed one hundred and ninety for replacement only) and hire of passenger motor vehicles: *Provided*. That the total capital of said fund shall not exceed \$172,000,000.

80 Stat. 436.
5 USC 4110 and
note.
81 Stat. 206.

THE PANAMA CANAL

CANAL ZONE GOVERNMENT

OPERATING EXPENSES

For operating expenses necessary for the Canal Zone Government, including operation of the Postal Service of the Canal Zone; hire of passenger motor vehicles; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); expenses incident to conducting hearings on the Isthmus; expenses of special training of employees of the Canal Zone Government as authorized by 5 U.S.C. 4101-4118; contingencies of the Governor; residence for the Governor; medical aid and support of the insane and of lepers and aid and support of indigent persons legally within the Canal Zone, including expenses of their deportation when practicable; and maintaining and altering facilities of other Government agencies in the Canal Zone for Canal Zone Government use, \$37,484,500.

80 Stat. 432.

CAPITAL OUTLAY

76A Stat. 7, 26.

For acquisition of land and land under water and acquisition, construction, and replacement of improvements, facilities, structures, and equipment, as authorized by law (2 C.Z. Code, Sec. 2; 2 C.Z. Code, Sec. 371), including the purchase of not to exceed fourteen passenger motor vehicles for replacement only, of which twelve for police-type use may exceed by \$300 each the general purchase price limitation for the current fiscal year; improving facilities of other Government agencies in the Canal Zone for Canal Zone Government use; and expenses incident to the retirement of such assets; \$200,000, to remain available until expended: *Provided*, That notwithstanding the limitation under this head in the Second Supplemental Appropriation Act, 1961, appropriations for "capital outlay" may be used for expenses related to the construction of quarters of non-U.S. citizen employees at a unit cost not exceeding \$16,500.

74 Stat. 827.

PANAMA CANAL COMPANY

CORPORATION

61 Stat. 584.

The Panama Canal Company is hereby authorized to make such expenditures within the limits of funds and borrowing authority available to it and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 849), as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation, including maintaining and improving facilities of other Government agencies in the Canal Zone for Panama Canal Company use.

LIMITATION ON GENERAL AND ADMINISTRATIVE EXPENSES

81 Stat. 206.

Not to exceed \$13,600,000 of the funds available to the Panama Canal Company shall be available during the current fiscal year for general and administrative expenses of the Company, including operation of tourist vessels and guide services, which shall be computed on an accrual basis. Funds available to the Panama Canal Company for operating expenses shall be available for the purchase of not to exceed twenty-six passenger motor vehicles for replacement only, including five light sedans at not to exceed \$2,000, and for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

GENERAL PROVISIONS—THE PANAMA CANAL

80 Stat. 416.

The Governor of the Canal Zone is authorized to employ services as authorized by 5 U.S.C. 3109, in an amount not exceeding \$30,000: *Provided*, That the rates for individuals shall not exceed \$100 per diem.

Funds appropriated for operating expenses of the Canal Zone Government may be apportioned notwithstanding section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), to the extent necessary to permit payment of such pay increases for officers or employees as may be authorized by administrative action pursuant to law which are not in excess of statutory increases granted for the same period in corresponding rates of compensation for other employees of the Government in comparable positions.

TITLE II—DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau, as follows: 43 USC 371.

GENERAL INVESTIGATIONS

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, to remain available until expended, \$15,948,500, of which \$14,423,000 shall be derived from the reclamation fund and \$500,000 shall be derived from the Colorado River development fund: *Provided*, That none of this appropriation shall be used for more than one-half of the cost of an investigation requested by a State, municipality, or other interest: *Provided further*, That \$354,000 of this appropriation shall be transferred to the Bureau of Sports Fisheries and Wildlife for studies, investigations, and reports thereon as required by the Fish and Wildlife Coordination Act of 1958 (72 Stat. 563–565) to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs of the Bureau of Reclamation. 16 USC 661
note.

CONSTRUCTION AND REHABILITATION

For construction and rehabilitation of authorized reclamation projects or parts thereof (including power transmission facilities) and for other related activities, as authorized by law, to remain available until expended, \$166,915,000, of which \$115,000,000 shall be derived from the reclamation fund: *Provided*, That no part of this appropriation shall be used to initiate the construction of transmission facilities within those areas covered by power wheeling service contracts which include provision for service to Federal establishments and preferred customers, except those transmission facilities for which construction funds have been heretofore appropriated, those facilities which are necessary to carry out the terms of such contracts or those facilities for which the Secretary of the Interior finds the wheeling agency is unable or unwilling to provide for the integration of Federal projects or for service to a Federal establishment or preferred customer: *Provided further*, That the final point of discharge for the interceptor drain for the San Luis unit shall not be determined until development by the Secretary of the Interior and the State of California of a plan, which shall conform with the water quality standards of the State of California as approved by the Secretary of the Interior, to minimize any detrimental effect of the San Luis drainage waters: *Provided further*, That of the amount appropriated herein for the Washoe Project, not to exceed \$600,000, representing the cost of providing water service on national forest lands under the administration of the United States Forest Service, shall be nonreimbursable.

OPERATION AND MAINTENANCE

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, \$49,900,000, of which

\$39,638,000 shall be derived from the reclamation fund and \$2,098,000 shall be derived from the Colorado River Dam fund: *Provided*, That funds advanced by water users for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same objects and in the same manner as sums appropriated herein may be expended, and the unexpended balances of such advances shall be credited to the appropriation for the next succeeding fiscal year.

LOAN PROGRAM

For loans to irrigation districts and other public agencies for construction of distribution systems on authorized Federal reclamation projects, and for loans and grants to non-Federal agencies for construction of projects, as authorized by the Acts of July 4, 1955, as amended (43 U.S.C. 421a–421d), and August 6, 1956 (43 U.S.C. 422a–422k), as amended, including expenses necessary for carrying out the program, \$2,965,000, to remain available until expended: *Provided*, That any contract under the Act of July 4, 1955 (69 Stat. 244), as amended, not yet executed by the Secretary, which calls for the making of loans beyond the fiscal year in which the contract is entered into shall be made only on the same conditions as those prescribed in section 12 of the Act of August 4, 1939 (53 Stat. 1187, 1197).

69 Stat. 244.

70 Stat. 1044.

43 USC 421a–
421d.

43 USC 388.

UPPER COLORADO RIVER STORAGE PROJECT

For the Upper Colorado River Storage Project, as authorized by the Act of April 11, 1956 (43 U.S.C. 620d), to remain available until expended, \$25,673,000, together with \$2,000,000 to be derived by transfer from reimbursements to the “Emergency Fund”, Bureau of Reclamation, of which \$25,000,000 shall be available for the “Upper Colorado River Basin Fund”, authorized by section 5 of said Act of April 11, 1956, and \$2,673,000 shall be available for construction, operation and maintenance of recreational and fish and wildlife facilities authorized by section 8 thereof, and may be expended by bureaus of the Department through or in cooperation with State or other Federal agencies, and advances to such Federal agencies are hereby authorized: *Provided*, That no part of the funds herein appropriated shall be available for construction or operation of facilities to prevent waters of Lake Powell from entering any national monument.

70 Stat. 107.

43 USC 620g.

GENERAL ADMINISTRATIVE EXPENSES

For necessary expenses of general administration and related functions in the offices of the Commissioner of Reclamation and in the regional offices of the Bureau of Reclamation, \$11,950,000, to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377): *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

59 Stat. 54.

SPECIAL FUNDS

Sums herein referred to as being derived from the reclamation fund, the Colorado River Dam fund, or the Colorado River development fund, are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391), the Act of December 21, 1928 (43 U.S.C. 617a), and the Act of July 19, 1940 (43 U.S.C. 618a), respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified; and the unexpended balances of sums transferred for expenditure

32 Stat. 388.

45 Stat. 1057.

54 Stat. 774.

under the heads "Operation and Maintenance" and "General Administrative Expenses" shall revert and be credited to the special fund from which derived.

ADMINISTRATIVE PROVISIONS

Appropriations to the Bureau of Reclamation shall be available for purchase of not to exceed forty-five passenger motor vehicles for replacement only; purchase of two aircraft; payment of claims for damage to or loss of property, personal injury, or death arising out of activities of the Bureau of Reclamation; payment, except as otherwise provided for, of compensation and expenses of persons on the rolls of the Bureau of Reclamation appointed as authorized by law to represent the United States in the negotiation and administration of interstate compacts without reimbursement or return under the reclamation laws; rewards for information or evidence concerning violations of law involving property under the jurisdiction of the Bureau of Reclamation; performance of the functions specified under the head "Operation and Maintenance Administration", Bureau of Reclamation, in the Interior Department Appropriation Act, 1945; preparation and dissemination of useful information including recordings, photographs, and photographic prints; and studies of recreational uses of reservoir areas, and investigation and recovery of archeological and paleontological remains in such areas in the same manner as provided for in the Act of August 21, 1935 (16 U.S.C. 461-467): *Provided*, That no part of any appropriation made herein shall be available pursuant to the Act of April 19, 1945 (43 U.S.C. 377), for expenses other than those incurred on behalf of specific reclamation projects except "General Administrative Expenses" and amounts provided for reconnaissance, basin surveys, and general engineering and research under the head "General Investigations".

32 Stat. 388.
43 USC 371.

58 Stat. 487.

49 Stat. 666.

59 Stat. 54.

Allotments to the Missouri River Basin project from the appropriation under the head "Construction and Rehabilitation" shall be available additionally for said project for those functions of the Bureau of Reclamation provided for under the head "General Investigations" (but this authorization shall not preclude use of the appropriation under said head within that area), and for the continuation of investigations by agencies of the Department on a general plan for the development of the Missouri River Basin. Such allotments may be expended through or in cooperation with State and other Federal agencies, and advances to such agencies are hereby authorized.

Sums appropriated herein which are expended in the performance of reimbursable functions of the Bureau of Reclamation shall be returnable to the extent and in the manner provided by law.

No part of any appropriation for the Bureau of Reclamation, contained in this Act or in any prior Act, which represents amounts earned under the terms of a contract but remaining unpaid, shall be obligated for any other purpose, regardless of when such amounts are to be paid: *Provided*, That the incurring of any obligation prohibited by this paragraph shall be deemed a violation of section 3679 of the Revised Statutes, as amended (31 U.S.C. 665).

No funds appropriated to the Bureau of Reclamation for operation and maintenance, except those derived from advances by water users, shall be used for the particular benefits of lands (a) within the boundaries of an irrigation district, (b) of any member of a water users' organization, or (c) of any individual when such district, organization, or individual is in arrears for more than twelve months in the payment of charges due under a contract entered into with the United States pursuant to laws administered by the Bureau of Reclamation.

Not to exceed \$225,000 may be expended from the appropriation "Construction and rehabilitation" for work by force account on any one project or Missouri River Basin unit and then only when such work is unsuitable for contract or no acceptable bid has been received and, other than otherwise provided in this paragraph or as may be necessary to meet local emergencies, not to exceed 12 per centum of the construction allotment for any project from the appropriation "Construction and rehabilitation" contained in this Act shall be available for construction work by force account: *Provided*, That this paragraph shall not apply to work performed under the Rehabilitation and Betterment Act of 1949 (63 Stat. 724).

43 USC 504 and
note.

ALASKA POWER ADMINISTRATION

GENERAL INVESTIGATIONS

For engineering and economic investigations to promote the development and utilization of the water, power and related resources of Alaska, \$600,000, to remain available until expended: *Provided*, That \$61,000 of this appropriation shall be transferred to the Bureau of Sport Fisheries and Wildlife for studies, investigations, and reports thereon, as required by the Fish and Wildlife Coordination Act of 1958 (72 Stat. 563-565).

16 USC 661
note.

OPERATION AND MAINTENANCE

For necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, \$402,000.

BONNEVILLE POWER ADMINISTRATION

CONSTRUCTION

For construction and acquisition of transmission lines, substations, and appurtenant facilities, as authorized by law, and purchase of one aircraft, \$104,000,000, to remain available until expended: *Provided*, That the Bonneville Power Administration shall not supply power directly, or indirectly through any preference customer, to any phosphorous electric furnace plant in southern Idaho, Utah, or Wyoming.

OPERATION AND MAINTENANCE

For necessary expenses of operation and maintenance of the Bonneville transmission system and of marketing electric power and energy, \$19,500,000.

ADMINISTRATIVE PROVISIONS

Appropriations of the Bonneville Power Administration shall be available to carry out all the duties imposed upon the Administrator pursuant to law. Appropriations made herein to the Bonneville Power Administration shall be available in one fund, except that the appropriation herein made for operation and maintenance shall be available only for the service of the current fiscal year.

Other than as may be necessary to meet local emergencies, not to exceed 12 per centum of the appropriation for construction herein made for the Bonneville Power Administration shall be available for construction work by force account or on a hired-labor basis.

SOUTHEASTERN POWER ADMINISTRATION

OPERATION AND MAINTENANCE

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, including purchase of two passenger motor vehicles for replacement only, \$850,000.

58 Stat. 890.

SOUTHWESTERN POWER ADMINISTRATION

CONSTRUCTION

For construction and acquisition of transmission lines, substations, and appurtenant facilities, and for administrative expenses connected therewith, in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, \$4,020,000, to remain available until expended.

OPERATION AND MAINTENANCE

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy → pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, including purchase of not to exceed three passenger motor vehicles for replacement only, \$2,350,000.

CONTINUING FUND

Not to exceed \$3,200,000 shall be available during the current fiscal year from the continuing fund for all costs in connection with the purchase of electric power and energy, and rentals for the use of transmission facilities.

FEDERAL WATER POLLUTION CONTROL ADMINISTRATION

WATER SUPPLY AND WATER POLLUTION CONTROL

For expenses necessary to carry out the Federal Water Pollution Control Act, as amended, and other related activities, including \$9,000,000 for grants to States and \$1,000,000 for grants to interstate agencies under section 7 of such Act, \$88,838,000: *Provided*, That \$1,250,000 for grants to comprehensive basin planning agencies under section 3(c) of such Act and \$21,200,000 for grants under section 6 of such Act, shall remain available until expended: *Provided further*, That the unexpended balance of funds appropriated under the heading "Grants for waste treatment works construction and sewer overflow control," for grants under section 6 of such Act shall be merged with this appropriation.

70 Stat. 498;
79 Stat. 903.
33 USC 466
note.
33 USC 466d.
80 Stat. 1246.
33 USC 466a.
33 USC 466c-1.

CONSTRUCTION GRANTS FOR WASTE TREATMENT WORKS

For grants for construction of waste treatment works pursuant to section 8 of the Water Pollution Control Act, as amended, to remain available until expended, \$214,000,000.

80 Stat. 1248.
33 USC 466e.

GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR

Emergency construction.

SEC. 201. Appropriations in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

Fire prevention.

SEC. 202. The Secretary may authorize the expenditure or transfer (within each bureau or office) of any appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior.

Operation of warehouses, etc.

SEC. 203. Appropriations in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of June 30, 1932 (31 U.S.C. 686): *Provided*, That reimbursements for costs of supplies, materials, and equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

47 Stat. 417.

Southwestern Power Administration.

SEC. 204. No part of any funds made available by this Act to the Southwestern Power Administration may be made available to any other agency, bureau, or office for any purposes other than for services rendered pursuant to law to the Southwestern Power Administration.

TITLE III—INDEPENDENT OFFICES

ATLANTIC-PACIFIC INTEROCEANIC CANAL STUDY COMMISSION

SALARIES AND EXPENSES

For expenses necessary for an investigation and study, including surveys, to determine the feasibility of, and the most suitable site for construction of a sea-level canal connecting the Atlantic and Pacific Oceans: not to exceed \$2,000 for official reception and representation expenses, \$4,900,000, to remain available until expended.

DELAWARE RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission, as authorized by law (75 Stat. 716), \$47,000.

CONTRIBUTION TO DELAWARE RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Delaware River Basin Commission, as authorized by law (75 Stat. 706, 707), \$154,000.

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

CONTRIBUTION TO INTERSTATE COMMISSION ON THE POTOMAC RIVER
BASIN

To enable the Secretary of the Treasury to pay in advance to the Interstate Commission on the Potomac River Basin the Federal contribution toward the expenses of the Commission during the current fiscal year in the administration of its business in the conservancy district established pursuant to the Act of July 11, 1940 (54 Stat. 748), \$5,000.

33 USC 567b.

TENNESSEE VALLEY AUTHORITY

PAYMENT TO TENNESSEE VALLEY AUTHORITY FUND

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C., ch. 12A), including purchase of three aircraft for replacement only, hire, maintenance, and operation of aircraft, and purchase (not to exceed two hundred for replacement only) and hire of passenger motor vehicles, \$50,250,000, to remain available until expended.

48 Stat. 58.
16 USC 831.

WATER RESOURCES COUNCIL

WATER RESOURCES PLANNING

For expenses necessary in carrying out the provisions of titles I and II of the Water Resources Planning Act of 1965 (42 U.S.C. 1962–1962d–5), including services as authorized by 5 U.S.C. 3109, but at rates not to exceed \$100 per diem for individuals, and hire of passenger motor vehicles, \$1,020,000: *Provided*, That the share of the expenses of any river basin commission borne by the Federal Government, pursuant to title II of the Water Resources Planning Act of 1965, shall not exceed \$200,000 annually for recurring operating expenses, including the salary and expenses of the chairman.

80 Stat. 416.

FINANCIAL ASSISTANCE TO STATES

For expenses necessary in carrying out the provisions of title III of the Water Resources Planning Act of 1965 (42 U.S.C. 1962–1962d–5), including services as authorized by 5 U.S.C. 3109, but at rates not to exceed \$100 per diem for individuals, and hire of passenger motor vehicles, \$2,602,500, to remain available until expended.

TITLE IV—ATOMIC ENERGY COMMISSION

OPERATING EXPENSES

For necessary operating expenses of the Commission in carrying out the purposes of the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by 5 U.S.C. 3109; hire, maintenance, and operation of aircraft; publication and dissemination of atomic information; purchase, repair and cleaning of uniforms; official entertainment expenses (not to exceed \$30,000); reimbursement of the General Services Administration for security guard services; hire of passenger motor vehicles; \$2,109,300,000 and any moneys (except sums received from disposal of property under the Atomic Energy Community Act of 1955, as amended (42 U.S.C. 2301)) received by the Commission, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), to remain

68 Stat. 919.
42 USC 2011
note.

69 Stat. 471.

available until expended: *Provided*, That of such amount \$100,000 may be expended for objects of a confidential nature and in any such case the certificate of the Commission as to the amount of the expenditure and that it is deemed inadvisable to specify the nature thereof shall be deemed a sufficient voucher for the sum therein expressed to have been expended: *Provided further*, That from this appropriation transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That no part of this appropriation shall be used in connection with the payment of a fixed fee to any contractor or firm of contractors engaged under a cost-plus-a-fixed-fee contract or contracts at any installation of the Commission, where that fee for community management is at a rate in excess of \$90,000 per annum, or for the operation of a transportation system where that fee is at a rate in excess of \$45,000 per annum.

PLANT AND CAPITAL EQUIPMENT

For expenses of the Commission, as authorized by law, in connection with the purchase and construction of plant and the acquisition of capital equipment and other expenses incidental thereto necessary in carrying out the purposes of the Atomic Energy Act of 1954, as amended, including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of not to exceed five hundred and fifty-three for replacement only, of which eleven for police-type use may exceed by \$300 each the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; and hire of aircraft; \$461,574,000, to remain available until expended.

GENERAL PROVISIONS

68 Stat. 919.
42 USC 2011
note.

Transfer of funds; report to congressional committees.

Not to exceed 5 per centum of appropriations made available for the current fiscal year for "Operating expenses" and "Plant and capital equipment" may be transferred between such appropriations, but neither such appropriation, except as otherwise provided herein, shall be increased by more than 5 per centum by any such transfers, and any such transfers shall be reported promptly to the Appropriations Committees of the House and Senate.

Restriction on fellowships.

No part of any appropriation herein shall be used to confer a fellowship on any person who advocates or who is a member of an organization or party that advocates the overthrow of the Government of the United States by force or violence or with respect to whom the Commission finds, upon investigation and report by the Civil Service Commission on the character, associations, and loyalty of whom, that reasonable grounds exist for belief that such person is disloyal to the Government of the United States: *Provided*, That any person who advocates or who is a member of an organization or party that advocates the overthrow of the Government of the United States by force or violence and accepts employment or a fellowship the salary, wages, stipend, grant, or expenses for which are paid from any appropriation contained herein shall be guilty of a felony, and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law.

Penalty.

TITLE V—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 501. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses and ambulances), is hereby fixed at \$1,500 except station wagons for which the maximum shall be \$1,950.

Purchase of
motor vehicles.

31 USC 638a.

SEC. 502. Unless otherwise specified and during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act, who, being eligible for citizenship, had filed a declaration of intention to become a citizen of the United States prior to such date, (3) is a person who owes allegiance to the United States, or (4) is an alien from Poland or the Baltic countries lawfully admitted to the United States for permanent residence: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined not more than \$4,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies.

Compensation
payments, citizen-
ship status re-
quired.

Penalty.

Exceptions.

SEC. 503. Appropriations of the executive departments and independent establishments for the current fiscal year, available for expenses of travel or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with title II of the Act of September 6, 1960 (74 Stat. 793).

Quarters allow-
ances, etc.

SEC. 504. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 505. No part of any appropriation contained in this or any other Act for the current fiscal year shall be used to pay in excess of \$4 per volume for the current and future volumes of the United States Code, Annotated, and such volumes shall be purchased on condition and with the understanding that latest published cumulative annual pocket parts issued prior to the date of purchase shall be furnished free of charge, or in excess of \$4.25 per volume for the current or future volumes of the Lifetime Federal Digest, or in excess of \$6.50 per volume for the current or future volumes of the Modern Federal Practice Digest.

80 Stat. 510.
5 USC 5922-
5925 and notes.

SEC. 506. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to the Government Corporation Control Act, as

59 Stat. 841.

80 Stat. 416.

Foreign credits.

31 USC 724.

Publicity or
propaganda.

Time limitation.

Interdepart-
mental boards
etc., exemption.

59 Stat. 134.

Short title.

amended (31 U.S.C. 841), shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 507. Pursuant to section 1415 of the Act of July 15, 1952 (66 Stat. 662), foreign credits (including currencies) owed to or owned by the United States may be used by Federal agencies for any purpose for which appropriations are made for the current fiscal year (including the carrying out of Acts requiring or authorizing the use of such credits), only when reimbursement therefor is made to the Treasury from applicable appropriations of the agency concerned: *Provided*, That such credits received as exchange allowances or proceeds of sales of personal property may be used in whole or part payment for acquisition of similar items, to the extent and in the manner authorized by law, without reimbursement to the Treasury.

SEC. 508. No part of any appropriation contained in this or any other Act, or of the funds available for expenditure by any corporation or agency, shall be used for publicity or propaganda purposes designed to support or defeat legislation pending before Congress.

SEC. 509. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 510. No part of any appropriation contained in this or any other Act, shall be available to finance interdepartmental boards, commissions, councils, committees, or similar groups under section 214 of the Independent Offices Appropriation Act, 1946 (31 U.S.C. 691) which do not have prior and specific congressional approval of such method of financial support.

This Act may be cited as the "Public Works for Water and Power Resources Development and Atomic Energy Commission Appropriation Act, 1969".

Approved August 12, 1968.

Public Law 90-480

August 12, 1968
[S. 222]

AN ACT

To insure that certain buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped.

Public build-
ings.
Accessibility
to physically
handicapped.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, as used in this Act, the term "building" means any building or facility (other than (A) a privately owned residential structure and (B) any building or facility on a military installation designed and constructed primarily for use by able bodied military personnel) the intended use for which either will require that such building or facility be accessible to the public, or may result in the employment or residence therein of physically handicapped persons, which building or facility is—

(1) to be constructed or altered by or on behalf of the United States;

(2) to be leased in whole or in part by the United States after the date of enactment of this Act after construction or alteration in accordance with plans and specifications of the United States; or

(3) to be financed in whole or in part by a grant or a loan made by the United States after the date of enactment of this Act if such building or facility is subject to standards for design, construction, or alteration issued under authority of the law authorizing such grant or loan.

SEC. 2. The Administrator of General Services, in consultation with the Secretary of Health, Education, and Welfare, is authorized to prescribe such standards for the design, construction, and alteration of buildings (other than residential structures subject to this Act and buildings, structures, and facilities of the Department of Defense subject to this Act) as may be necessary to insure that physically handicapped persons will have ready access to, and use of, such buildings.

Standards.

SEC. 3. The Secretary of Housing and Urban Development, in consultation with the Secretary of Health, Education, and Welfare, is authorized to prescribe such standards for the design, construction, and alteration of buildings which are residential structures subject to this Act as may be necessary to insure that physically handicapped persons will have ready access to, and use of, such buildings.

SEC. 4. The Secretary of Defense, in consultation with the Secretary of Health, Education, and Welfare, is authorized to prescribe such standards for the design, construction, and alteration of buildings, structures, and facilities of the Department of Defense subject to this Act as may be necessary to insure that physically handicapped persons will have ready access to, and use of, such buildings.

SEC. 5. Every building designed, constructed, or altered after the effective date of a standard issued under this Act which is applicable to such building, shall be designed, constructed, or altered in accordance with such standard.

Applicability.

SEC. 6. The Administrator of General Services, with respect to standards issued under section 2 of this Act, and the Secretary of Housing and Urban Development, with respect to standards issued under section 3 of this Act, and the Secretary of Defense with respect to standards issued under section 4 of this Act, is authorized—

(1) to modify or waive any such standard, on a case-by-case basis, upon application made by the head of the department, agency, or instrumentality of the United States concerned, and upon a determination by the Administrator or Secretary, as the case may be, that such modification or waiver is clearly necessary, and

Waiver.

(2) to conduct such surveys and investigations as he deems necessary to insure compliance with such standards.

Surveys and investigations.

Approved August 12, 1968.

Public Law 90-481

August 12, 1968
[S. 1166]

AN ACT

To authorize the Secretary of Transportation to prescribe safety standards for the transportation of natural and other gas by pipeline, and for other purposes.

Natural Gas
Pipeline Safety
Act of 1968.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Natural Gas Pipeline Safety Act of 1968".

DEFINITIONS

SEC. 2. As used in this Act—

(1) "Person" means any individual, firm, joint venture, partnership, corporation, association, State, municipality, cooperative association, or joint stock association, and includes any trustee, receiver, assignee, or personal representative thereof;

(2) "Gas" means natural gas, flammable gas, or gas which is toxic or corrosive;

(3) "Transportation of gas" means the gathering, transmission or distribution of gas by pipeline or its storage in or affecting interstate or foreign commerce; except that it shall not include the gathering of gas in those rural locations which lie outside the limits of any incorporated or unincorporated city, town, village, or any other designated residential or commercial area such as a subdivision, a business or shopping center, a community development, or any similar populated area which the Secretary may define as a nonrural area;

(4) "Pipeline facilities" includes, without limitation, new and existing pipe rights-of-way and any equipment facility, or building used in the transportation of gas or the treatment of gas during the course of transportation but "rights-of-way" as used in this Act does not authorize the Secretary to prescribe the location or routing of any pipeline facility;

(5) "State" includes each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico;

(6) "Municipality" means a city, county, or any other political subdivision of a State;

(7) "National organization of State commissions" means the national organization of the State commissions referred to in part II of the Interstate Commerce Act;

(8) "Interstate transmission facilities" means pipeline facilities used in the transportation of gas which are subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act; and

(9) "Secretary" means the Secretary of Transportation.

STANDARDS ESTABLISHED

SEC. 3. (a) As soon as practicable but not later than three months after the enactment of this Act, the Secretary shall, by order, adopt as interim minimum Federal safety standards for pipeline facilities and the transportation of gas in each State the State standards regulating pipeline facilities and the transportation of gas within such State on the date of enactment of this Act. In any State in which no such standards are in effect, the Secretary shall, by order, establish interim Federal safety standards for pipeline facilities and the transportation of gas in such State which shall be such standards as are common to a majority of States having safety standards for the transportation of gas and pipeline facilities on such date. Interim standards shall remain in effect until amended or revoked pursuant to this section. Any State agency may adopt such additional or more stringent

49 Stat. 543;
54 Stat. 919.
49 USC 301.

52 Stat. 821.
15 USC 717w.

standards for pipeline facilities and the transportation of gas not subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act as are not incompatible with the Federal minimum standards, but may not adopt or continue in force after the interim standards provided for above become effective any such standards applicable to interstate transmission facilities.

52 Stat. 821.
15 USC 717w.

(b) Not later than twenty-four months after the enactment of this Act, and from time to time thereafter, the Secretary shall, by order, establish minimum Federal safety standards for the transportation of gas and pipeline facilities. Such standards may apply to the design, installation, inspection, testing, construction, extension, operation, replacement, and maintenance of pipeline facilities. Standards affecting the design, installation, construction, initial inspection, and initial testing shall not be applicable to pipeline facilities in existence on the date such standards are adopted. Whenever the Secretary shall find a particular facility to be hazardous to life or property, he shall be empowered to require the person operating such facility to take such steps necessary to remove such hazards. Such Federal safety standards shall be practicable and designed to meet the need for pipeline safety. In prescribing such standards, the Secretary shall consider—

Federal safety standards.

- (1) relevant available pipeline safety data;
- (2) whether such standards are appropriate for the particular type of pipeline transportation;
- (3) the reasonableness of any proposed standards; and
- (4) the extent to which such standards will contribute to public safety.

Consideration factors.

Any State agency may adopt such additional or more stringent standards for pipeline facilities and the transportation of gas not subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act as are not incompatible with the Federal minimum standards, but may not adopt or continue in force after the minimum Federal safety standards referred to in this subsection become effective any such standards applicable to interstate transmission facilities.

(c) Any standards prescribed under this section, and amendments thereto, shall become effective thirty days after the date of issuance of such standards unless the Secretary, for good cause recited, determines an earlier or later effective date is required as a result of the period reasonably necessary for compliance.

Effective date.

(d) The provisions of subchapter II of chapter 5 of title 5 of the United States Code shall apply to all orders establishing, amending, revoking, or waiving compliance with, any standard established under this Act. The Secretary shall afford interested persons an opportunity to participate fully in the establishment of such safety standards through submission of written data, views, or arguments with opportunity to present oral testimony and argument.

80 Stat. 381.
5 USC 551-559.

(e) Upon application by any person engaged in the transportation of gas or the operation of pipeline facilities, the Secretary may, after notice and opportunity for hearing and under such terms and conditions and to such extent as he deems appropriate, waive in whole or in part compliance with any standard established under this Act, if he determines that a waiver of compliance with such standard is not inconsistent with gas pipeline safety. The Secretary shall state his reasons for any such waiver. A State agency, with respect to which there is in effect a certification pursuant to section 5(a) or an agreement pursuant to section 5(b), may waive compliance with a safety standard in the same manner as the Secretary, provided such State agency gives the Secretary written notice at least sixty days prior to the effective date of the waiver. If, before the effective date of a waiver to be granted by a State agency, the Secretary objects in writing to the

Standards, waiver of compliance.

Notice to State
agency; oppor-
tunity for hearing.

granting of the waiver, any State agency action granting the waiver will be stayed. After notifying such State agency of his objection, the Secretary shall afford such agency a prompt opportunity to present its request for waiver, with opportunity for hearing, and the Secretary shall determine finally whether the requested waiver may be granted.

TECHNICAL PIPELINE SAFETY STANDARDS COMMITTEE

SEC. 4. (a) The Secretary shall establish a Technical Pipeline Safety Standards Committee. The Committee shall be appointed by the Secretary, after consultation with public and private agencies concerned with the technical aspect of the transportation of gas or the operation of pipeline facilities, and shall be composed of fifteen members each of whom shall be experienced in the safety regulation of the transportation of gas and of pipeline facilities or technically qualified by training and experience in one or more fields of engineering applied in the transportation of gas or the operation of pipeline facilities to evaluate gas pipeline safety standards, as follows:

Membership.

(1) Five members shall be selected from governmental agencies, including State and Federal Governments, two of whom, after consultation with representatives of the national organization of State commissions, shall be State commissioners;

(2) Four members shall be selected from the natural gas industry after consultation with industry representatives, not less than three of whom shall be currently engaged in the active operation of natural gas pipelines; and

(3) Six members shall be selected from the general public.

Report of pro-
posed standards.

(b) The Secretary shall submit to the Committee all proposed standards and amendments to such standards and afford such Committee a reasonable opportunity, not to exceed ninety days, unless extended by the Secretary, to prepare a report on the technical feasibility, reasonableness, and practicability of each such proposal. Each report by the Committee, including any minority views, shall be published by the Secretary and form a part of the proceedings for the promulgation of standards. In the event that the Secretary rejects the conclusions of the majority of the Committee, he shall not be bound by such conclusions but shall publish his reasons for rejection thereof. The Committee may propose safety standards for pipeline facilities and the transportation of gas to the Secretary for his consideration. All proceedings of the Committee shall be recorded and the record of each such proceeding shall be available for public inspection.

Publication.

Committee pro-
ceedings, avail-
ability to public.

(c) Members of the Committee other than Federal employees may be compensated at a rate to be fixed by the Secretary not to exceed \$100 per diem (including travel time) when engaged in the actual duties of the Committee. All members, while away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently. Payments under this section shall not render members of the Committee employees or officials of the United States for any purpose.

80 Stat. 499.

STATE CERTIFICATIONS AND AGREEMENTS

SEC. 5. (a) Except for the fourth sentence of section 3(b), section 12(b), and except as otherwise provided in this section, the provisions of this Act shall not apply to pipeline facilities and the transportation of gas (not subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act) within a State when the safety stand-

52 Stat. 821.
15 USC 717w.

ards and practices applicable to same are regulated by a State agency (including a municipality) which submits to the Secretary an annual certification that such State agency (1) has regulatory jurisdiction over the safety standards and practices of such pipeline facilities and transportation of gas; (2) has adopted each Federal safety standard applicable to such pipeline facilities and transportation of gas established under this Act as of the date of the certification; (3) is enforcing each such standard; and (4) has the authority to require record maintenance, reporting, and inspection substantially the same as are provided under section 12 and the filing for approval of plans of inspection and maintenance described in section 11; and that the law of the State makes provision for the enforcement of the safety standards of such State agency by way of injunctive and monetary sanctions substantially the same as are provided under sections 9 and 10; except that a State agency may file a certification under this subsection without regard to the requirement of injunctive and monetary sanctions under State law for a period not to exceed two years after the date of enactment of this Act. Each annual certification shall include a report, in such form as the Secretary may by regulation provide, showing (i) name and address of each person subject to the safety jurisdiction of the State agency; (ii) all accidents or incidents reported during the preceding twelve months by each such person involving personal injury requiring hospitalization, fatality, or property damage exceeding \$1,000, together with a summary of the State agency's investigation as to the cause and circumstances surrounding such accident or incident; (iii) the record maintenance, reporting, and inspection practiced by the State agency to enforce compliance with such Federal safety standards, including a detail of the number of inspections made of pipeline facilities by the State agency during the preceding twelve months; and (iv) such other information as the Secretary may require. The report included with the first annual certification need not show information unavailable at that time. If after receipt of annual certification, the Secretary determines that the State agency is not satisfactorily enforcing compliance with Federal safety standards, he may, on reasonable notice and after opportunity for hearing, reject the certification or take such other action as he deems appropriate to achieve adequate enforcement including the assertion of Federal jurisdiction. When such notice is given by the Secretary, the burden of proof shall be upon the State agency to show that it is satisfactorily enforcing compliance with Federal safety standards.

Report, contents.

(b) With respect to any pipeline facilities and transportation of gas (not subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act) for which the Secretary does not receive an annual certification under subsection (a) of this section, the Secretary is authorized by agreement with a State agency (including a municipality) to authorize such agency to assume responsibility for, and carry out on behalf of the Secretary as it relates to pipeline facilities and the transportation of gas not subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act the necessary actions to—

52 Stat. 821.
15 USC 717w.

(1) establish an adequate program for record maintenance, reporting, and inspection designed to assist compliance with Federal safety standards;

(2) establish procedures for approval of plans of inspection and maintenance substantially the same as are required under section 11;

(3) implement a compliance program acceptable to the Secretary including provision for inspection of pipeline facilities used in such transportation of gas; and

Violations,
notification to
Secretary.

(4) cooperate fully in a system of Federal monitoring of such compliance program and reporting under regulations prescribed by the Secretary.

Any agreement executed pursuant to this subsection shall require the State agency promptly to notify the Secretary of any violation or probable violation of a Federal safety standard which it discovers as a result of its program.

(c) (1) Upon an application submitted not later than September 30 in any calendar year, the Secretary is authorized to pay out of funds appropriated pursuant to section 15 up to 50 per centum of the cost of the personnel, equipment, and activities of a State agency reasonably required to carry out a safety program under a certification under subsection (a) or an agreement under subsection (b) of this section during the following calendar year. No such payment may be made unless the State agency making application under this subsection gives assurances satisfactory to the Secretary that the State agency will provide the remaining cost of such a safety program and that the aggregate expenditures of funds of the State, exclusive of Federal grants, for gas safety programs will be maintained at a level which does not fall below the average level of such expenditures for the last two fiscal years preceding the date of enactment of this section.

(2) Payments under this section may be made in installments, in advance or by way of reimbursement, with necessary adjustments on account of overpayments and underpayments.

(3) The Secretary may, by regulation, provide for the form and manner of filing of applications under this section, and for such reporting and fiscal procedures as he deems necessary to assure the proper accounting for Federal funds.

(d) A certification which is in effect under subsection (a) of this section shall not apply with respect to any new or amended Federal safety standard for pipeline facilities or the transportation of gas, not subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act, established pursuant to this Act after the date of such certification. The provisions of this Act shall apply to any such new or amended Federal safety standard until the State agency has adopted such standard and has submitted an appropriate certification in accordance with the provisions of subsection (a) of this section.

(e) Any agreement under this section may be terminated by the Secretary if, after notice and opportunity for a hearing, he finds that the State agency has failed to comply with any provision of such agreement. Such finding and termination shall be published in the Federal Register, and shall become effective no sooner than fifteen days after the date of publication.

52 Stat. 821.
15 USC 717w.

Publication in
Federal Register.

JUDICIAL REVIEW OF ORDERS

SEC. 6. (a) Any person who is or will be adversely affected or aggrieved by any order issued under this Act may at any time prior to the sixtieth day after such order is issued file a petition for a judicial review with the United States Court of Appeals for the District of Columbia or for the circuit wherein such petitioner is located or has his principal place of business. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or other officer designated by him for that purpose.

(b) Upon the filing of the petition referred to in subsection (a), the court shall have jurisdiction to review the order in accordance with chapter 7 of title 5 of the United States Code and to grant appropriate relief as provided in such chapter.

(c) The judgment of the court affirming or setting aside, in whole or in part, any such order of the Secretary shall be final, subject to

80 Stat. 392.
5 USC 701-706.

review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

62 Stat. 928.

(d) Any action instituted under this section shall survive, notwithstanding any change in the person occupying the office of Secretary or any vacancy in such office.

(e) The remedies provided for in this section shall be in addition to and not in substitution for any other remedies provided by law.

COOPERATION WITH FEDERAL POWER COMMISSION AND STATE COMMISSIONS

SEC. 7. Whenever the establishment of a standard or action upon application for waiver under the provisions of this Act, would affect continuity of any gas services, the Secretary shall consult with and advise the Federal Power Commission or State commission having jurisdiction over the affected pipeline facility before establishing the standard or acting on the waiver application and shall defer the effective date until the Federal Power Commission or any such commission has had reasonable opportunity to grant the authorizations it deems necessary. In any proceedings under section 7 of the Natural Gas Act (15 U.S.C. 717f) for authority to establish, construct, operate, or extend a gas pipeline which is or will be subject to Federal or other applicable safety standards, any applicant shall certify that it will design, install, inspect, test, construct, operate, replace, and maintain the pipeline facilities in accordance with Federal and other applicable safety standards and plans for maintenance and inspection. Such certification shall be binding and conclusive upon the Commission unless the relevant enforcement agency has timely advised the Commission in writing that the applicant has violated safety standards established pursuant to this Act.

52 Stat. 824;
56 Stat. 83;
61 Stat. 459.

COMPLIANCE

SEC. 8. (a) Each person who engages in the transportation of gas or who owns or operates pipeline facilities shall—

(1) at all times after the date any applicable safety standard established under this Act takes effect comply with the requirements of such standard; and

(2) file and comply with a plan of inspection and maintenance required by section 11; and

(3) permit access to or copying of records, and make reports or provide information, and permit entry or inspection, as required under section 12.

(b) Nothing in this Act shall affect the common law or statutory tort liability of any person.

CIVIL PENALTY

SEC. 9. (a) Any person who violates any provision of section 8(a), or any regulation issued under this Act, shall be subject to a civil penalty of not to exceed \$1,000 for each such violation for each day that such violation persists, except that the maximum civil penalty shall not exceed \$200,000 for any related series of violations: *Provided*, That for a reasonable period of time, not to exceed one year after the date of enactment of this Act, such civil penalties shall not be applicable to pipeline facilities existing on such date of enactment.

Exception.

(b) Any such civil penalty may be compromised by the Secretary. In determining the amount of such penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the person charged, the gravity of the violation, and the good faith of the person charged in attempting to achieve compliance,

after notification of a violation, shall be considered. The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged or may be recovered in a civil action in the United States district courts.

INJUNCTION AND JURISDICTION

28 USC app.

SEC. 10. (a) The United States district courts shall have jurisdiction, subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this Act (including the restraint of transportation of gas or the operation of a pipeline facility) or to enforce standards established hereunder upon petition by the appropriate United States attorney or the Attorney General on behalf of the United States. Whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views, and, except in the case of a knowing and willful violation, shall afford him reasonable opportunity to achieve compliance. However, the failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief.

18 USC app.

(b) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this section, which violation also constitutes a violation of this Act, trial shall be by the court or, upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

(c) Actions under subsection (a) of this section and section 9 may be brought in the district wherein any act or transaction constituting the violation occurred, or in the district wherein the defendant is found or is an inhabitant or transacts business, and process in such cases may be served in any other district of which the defendant is an inhabitant or transacts business or wherever the defendant may be found.

(d) In any action brought under subsection (a) of this section and section 9, subpoenas for witnesses who are required to attend a United States district court may run into any other district.

INSPECTION AND MAINTENANCE PLANS

Plans, filing
with State agency.

52 Stat. 821.
15 USC 717w.

Consideration
factors.

SEC. 11. Each person who engages in the transportation of gas or who owns or operates pipeline facilities not subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act shall file with the Secretary or, where a certification or an agreement pursuant to section 5 is in effect, with the State agency, a plan for inspection and maintenance of each such pipeline facility owned or operated by such person, and any changes in such plan, in accordance with regulations prescribed by the Secretary or appropriate State agency. The Secretary may, by regulation, also require persons who engage in the transportation of gas or who own or operate pipeline facilities subject to the provisions of this Act to file such plans for approval. If at any time the agency with responsibility for enforcement of compliance with the standards established under this Act finds that such plan is inadequate to achieve safe operation, such agency shall, after notice and opportunity for a hearing, require such plan to be revised. The plan required by the agency shall be practicable and designed to meet the need for pipeline safety. In determining the adequacy of any such plan, such agency shall consider—

(1) relevant available pipeline safety data;

- (2) whether the plan is appropriate for the particular type of pipeline transportation;
- (3) the reasonableness of the plan; and
- (4) the extent to which such plan will contribute to public safety.

RECORDS, REPORTS, AND INSPECTION FOR COMPLIANCE

SEC. 12. (a) Each person who engages in the transportation of gas or who owns or operates pipeline facilities shall establish and maintain such records, make such reports, and provide such information as the Secretary may reasonably require to enable him to determine whether such person has acted or is acting in compliance with this Act and the standards established under this Act. Each such person shall, upon request of an officer, employee, or agent authorized by the Secretary, permit such officer, employee, or agent to inspect books, papers, records, and documents relevant to determining whether such person has acted or is acting in compliance with this Act and the standards established pursuant to this Act.

(b) The Secretary is authorized to conduct such monitoring of State enforcement practices and such other inspection and investigation as may be necessary to aid in the enforcement of the provisions of this Act and the standards established pursuant to this Act. He shall furnish the Attorney General any information obtained indicating noncompliance with such standards for appropriate action. For purposes of enforcement of this Act, officers, employees, or agents authorized by the Secretary, upon presenting appropriate credentials to the individual in charge, are authorized (1) to enter upon, at reasonable times, pipeline facilities, and (2) to inspect, at reasonable times and within reasonable limits and in a reasonable manner, such facilities. Each such inspection shall be commenced and completed with reasonable promptness.

Monitoring of
State enforcement
practices.

(c) Accident reports made by any officer, employee, or agent of the Department of Transportation shall be available for use in any civil, criminal, or other judicial proceeding arising out of such accident. Any such officer, employee, or agent may be required to testify in such proceedings as to the facts developed in such investigations. Any such report shall be made available to the public in a manner which need not identify individuals. All reports on research projects, demonstration projects, and other related activities shall be public information.

Accident re-
ports.
Availability in
judicial proceed-
ings.

(d) All information reported to or otherwise obtained by the Secretary or his representative pursuant to subsection (a), (b), or (c) which information contains or relates to a trade secret referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this Act or when relevant in any proceeding under this Act. Nothing in this section shall authorize the withholding of information by the Secretary or any officer, employee, or agent under his control, from the duly authorized committees of the Congress.

62 Stat. 791.

ADMINISTRATION

SEC. 13. (a) The Secretary shall conduct research, testing, development, and training necessary to carry out the provisions of this Act. The Secretary is authorized to carry out the provisions of this section by contract, or by grants to individuals, States, and nonprofit institutions.

Research and
development.
Contracts, etc.

(b) Upon request, the Secretary shall furnish to the Federal Power Commission any information he has concerning the safety of any

Safety of mate-
rials, etc.

materials, operations, devices, or processes relating to the transportation of gas or the operation of pipeline facilities.

Cooperation
with other agen-
cies.

(c) The Secretary is authorized to advise, assist, and cooperate with other Federal departments and agencies and State and other interested public and private agencies and persons, in the planning and development of (1) Federal safety standards, and (2) methods for inspecting and testing to determine compliance with Federal safety standards.

ANNUAL REPORT

Report to Presi-
dent and Con-
gress.

Contents.

SEC. 14. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress on March 17 of each year a comprehensive report on the administration of this Act for the preceding calendar year. Such report shall include—

(1) a thorough compilation of the accidents and casualties occurring in such year with a statement of cause whenever investigated and determined by the National Transportation Safety Board;

(2) a list of Federal gas pipeline safety standards established or in effect in such year with identification of standards newly established during such year;

(3) a summary of the reasons for each waiver granted under section 3(e) during such year;

(4) an evaluation of the degree of observance of applicable safety standards for the transportation of gas and pipeline facilities including a list of enforcement actions, and compromises of alleged violations by location and company name;

(5) a summary of outstanding problems confronting the administration of this Act in order of priority;

(6) an analysis and evaluation of research activities, including the policy implications thereof, completed as a result of Government and private sponsorship and technological progress for safety achieved during such year;

(7) a list, with a brief statement of the issues, of completed or pending judicial actions under the Act;

(8) the extent to which technical information was disseminated to the scientific community and consumer-oriented information was made available to the public;

(9) a compilation of—

(A) certifications filed by State agencies (including municipalities) under section 5(a) which were in effect during the preceding calendar year, and

(B) certifications filed under section 5(a) which were rejected by the Secretary during the preceding calendar year, together with a summary of the reasons for each such rejection; and

(10) a compilation of—

(A) agreements entered into with State agencies (including municipalities) under section 5(b) which were in effect during the preceding calendar year, and

(B) agreements entered into under section 5(b) which were terminated by the Secretary during the preceding calendar year, together with a summary of the reasons for each such termination.

Legislative
recommendations.

(b) The report required by subsection (a) shall contain such recommendations for additional legislation as the Secretary deems necessary to promote cooperation among the several States in the improvement of gas pipeline safety and to strengthen the national gas pipeline safety program.

APPROPRIATIONS AUTHORIZED

SEC. 15. For the purpose of carrying out the provisions of this Act over a period of three fiscal years, beginning with the fiscal year ending June 30, 1969, there is authorized to be appropriated not to exceed \$500,000 for the fiscal year ending June 30, 1969; not to exceed \$2,000,000 for the fiscal year ending June 30, 1970; and not to exceed \$4,000,000 for the fiscal year ending June 30, 1971.

Approved August 12, 1968.

Public Law 90-482

AN ACT

To amend the Act of August 27, 1954, relative to the unlawful seizure of fishing vessels of the United States by foreign countries.

August 12, 1968
[S. 2269]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of August 27, 1954 (68 Stat. 883; 22 U.S.C. 1971-1976), is amended by adding at the end thereof a new section to read as follows:

Fishermen's
Protective Act of
1967, amendment.

"SEC. 7. (a) The Secretary, upon receipt of an application filed with him at any time after the effective date of this section by the owner of any vessel of the United States which is documented or certificated as a commercial fishing vessel, shall enter into an agreement with such owner subject to the provisions of this section and such other terms and conditions as the Secretary deems appropriate. Such agreement shall provide that, if said vessel is seized by a foreign country and detained under the conditions of section 2 of this Act, the Secretary shall guarantee—

22 USC 1972.

"(1) the owner of such vessel for all actual costs, except those covered by section 3 of this Act, incurred by the owner during the seizure and detention period and as a direct result thereof, as determined by the Secretary, resulting (A) from any damage to, or destruction of, such vessel, or its fishing gear or other equipment, (B) from the loss or confiscation of such vessel, gear, or equipment, or (C) from dockage fees or utilities;

22 USC 1973.

"(2) the owner of such vessel and its crew for the market value of fish caught before seizure of such vessel and confiscated or spoiled during the period of detention; and

"(3) the owner of such vessel and its crew for not to exceed 50 per centum of the gross income lost as a direct result of such seizure and detention, as determined by the Secretary of the Interior, based on the value of the average catch per day's fishing during the three most recent calendar years immediately preceding such seizure and detention of the vessel seized, or, if such experience is not available, then of all commercial fishing vessels of the United States engaged in the same fishery as that of the type and size of the seized vessel.

"(b) Payments made by the Secretary under paragraphs (2) and (3) of subsection (a) of this section shall be distributed by the Secretary in accordance with the usual practices and procedures of the particular segment of the United States commercial fishing industry to which the seized vessel belongs relative to the sale of fish caught and the distribution of the proceeds of such sale.

“(c) The Secretary shall from time to time establish by regulation fees which shall be paid by the owners of vessels entering into agreements under this section. Such fees shall be adequate (1) to recover the costs of administering this section, and (2) to cover a reasonable portion of any payments made by the Secretary under this section. The amount fixed by the Secretary shall be predicated upon at least 33½ per centum of the contribution by the Government. All fees collected by the Secretary shall be credited to a separate account established in the Treasury of the United States which shall remain available without fiscal year limitation to carry out the provisions of this section. All payments under this section shall be made first out of such fees so long as they are available, and thereafter out of funds which are hereby authorized to be appropriated to such account to carry out the provisions of this section.

“(d) All determinations made under this section shall be final. No payment under this section shall be made with respect to any losses covered by any policy of insurance or other provision of law.

Effective date.

“(e) The provisions of this section shall be effective for forty-eight consecutive months beginning one hundred and eighty days after the enactment of this section. The Secretary shall issue such regulations and take such other measures as he deems appropriate to implement the provisions of this section prior to such effective date.

Definitions.

“(f) For the purposes of this section—

“(1) the term ‘Secretary’ means the Secretary of the Interior.

“(2) the term ‘owner’ includes any charterer of a commercial fishing vessel.”

SEC. 2. Section 3 of the Act of August 27, 1954 (68 Stat. 883; 22 U.S.C. 1973), is amended by inserting a comma after the word “fine” wherever it appears and the words “license fee, registration fee, or any other direct charge”.

SEC. 3. Section 5 of the Act of August 27, 1954 (68 Stat. 883, 22 U.S.C. 1975), is amended to read as follows:

“SEC. 5. The Secretary of State shall take such action as he may deem appropriate to make and collect claims against a foreign country for amounts expended by the United States under the provisions of this Act (including payments made pursuant to section 7) because of the seizure of a vessel of the United States by such country. If such country fails or refuses to make payment in full within one hundred and twenty days after receiving notice of any such claim of the United States, the Secretary of State shall withhold, pending such payment, an amount equal to such unpaid claim from any funds programmed for the current fiscal year for assistance to the government of such country (as shown in materials concerning such fiscal year presented to the Congress in connection with its consideration of amendments to the Foreign Assistance Act of 1961). Amounts withheld under this section shall not constitute satisfaction of any such claim of the United States against such foreign country.”

75 Stat. 424.
22 USC 2151
note.

Short title.

SEC. 4. The Act of August 27, 1954 (68 Stat. 883; 22 U.S.C. 1971-1976), as amended by this Act, may be cited as the “Fishermen’s Protective Act of 1967”.

Approved August 12, 1968.

Public Law 90-483

AN ACT

Authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

August 13, 1968
[S. 3710]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—RIVERS AND HARBORS

River and Harbor
Act of 1968.

SEC. 101. That the following works of improvement of rivers and harbors and other waterways for navigation, flood control, and other purposes are hereby adopted and authorized to be prosecuted under the direction of the Secretary of the Army and supervision of the Chief of Engineers, in accordance with the plans and subject to the conditions recommended by the Chief of Engineers in the respective reports hereinafter designated. The provisions of section 1 of the River and Harbor Act approved March 2, 1945 (Public Law Numbered 14, Seventy-ninth Congress, first session), shall govern with respect to projects authorized in this title; and the procedures therein set forth with respect to plans, proposals, or reports for works of improvement for navigation or flood control and for irrigation and purposes incidental thereto, shall apply as if herein set forth in full.

59 Stat. 10.

NAVIGATION

Ipswich River, Massachusetts: House Document Numbered 265, Ninetieth Congress, at an estimated cost of \$616,000;

Fall River Harbor, Massachusetts and Rhode Island: House Document Numbered 175, Ninetieth Congress, at an estimated cost of \$8,762,000;

Bristol Harbor, Rhode Island: House Document Numbered 174, Ninetieth Congress, at an estimated cost of \$873,000;

Port Jefferson Harbor, New York: House Document Numbered 277, Ninetieth Congress, at an estimated cost of \$2,455,000;

Hempstead Harbor, New York: House Document Numbered 101, Ninetieth Congress, at an estimated cost of \$703,000;

Cooper River, Charleston Harbor, South Carolina: Senate Document Numbered 88, Ninetieth Congress, at an estimated cost of \$35,381,000;

Miami Harbor, Florida: Senate Document Numbered 93, Ninetieth Congress, at an estimated cost of \$6,476,000;

Gulf Intracoastal Waterway, St. Marks to Tampa Bay, Florida: Chief of Engineers' Report dated June 6, 1968, except that (1) not to exceed \$40,000,000 is authorized for initiation of such project, and (2) construction of this project shall not be initiated until such plan is approved by the Secretary of the Army and the President;

Atchafalaya River and Bayous Chene, Boeuf, and Black, Louisiana: House Document Numbered 155, Ninetieth Congress, at an estimated cost of \$8,645,000;

Red River Waterway, Louisiana, Texas, Arkansas, and Oklahoma: House Document Numbered 304, Ninetieth Congress, except that not to exceed \$50,000,000 is authorized for initiation of such project;

Mississippi River-Gulf Outlet, Michoud Canal, Louisiana: Senate Document Numbered 97, Ninetieth Congress, at an estimated cost of \$1,300,000;

Mississippi River Outlets, Venice, Louisiana: House Document Numbered 361, Ninetieth Congress, at an estimated cost of \$4,520,000;

Yazoo River, Mississippi: House Document Numbered 342, Ninetieth Congress, at an estimated cost of \$52,147,000;

Corpus Christi Ship Canal, Texas: Senate Document Numbered 99, Ninetieth Congress, at an estimated cost of \$19,042,000;

Mouth of the Colorado River, Texas: Senate Document Numbered 102, Ninetieth Congress, at an estimated cost of \$8,000,000;

Wilson Harbor, New York: House Document Numbered 112, Ninetieth Congress, at an estimated cost of \$198,000;

Cattaraugus Creek Harbor, New York: House Document Numbered 97, Ninetieth Congress, at an estimated cost of \$1,315,000;

Hamlin Beach State Park, New York: House Document Numbered 358, Ninetieth Congress, at an estimated cost of \$500,000;

Forestville Harbor, Michigan: House Document Numbered 183, Ninetieth Congress, at an estimated cost of \$538,000;

Tawas Bay Harbor, Michigan: House Document Numbered 189, Ninetieth Congress, at an estimated cost of \$466,000;

Detroit River, Trenton Channel, Michigan: House Document Numbered 338, Ninetieth Congress, at an estimated cost of \$31,300,000;

Snohomish River (Everett Harbor), Washington: House Document Numbered 357, Ninetieth Congress, at an estimated cost of \$1,108,000;

Humboldt Harbor and Bay, California: House Document Numbered 330, Ninetieth Congress, at an estimated cost of \$2,430,000;

Port Hueneme, California: House Document Numbered 362, at an estimated cost of \$1,000,000;

Ventura Marina, California: House Document Numbered 356, at an estimated cost of \$1,540,000;

San Diego Harbor, California: House Document Numbered 365, Ninetieth Congress, at an estimated cost of \$5,360,000;

Wake Harbor, Alaska: Senate Document Numbered 70, Ninetieth Congress, at an estimated cost of \$1,760,000;

King Cove Harbor, Alaska: Senate Document Numbered 13, Ninetieth Congress, at an estimated cost of \$522,000;

Sergius and Whitestone Narrows, Alaska: Senate Document Numbered 95, Ninetieth Congress, at an estimated cost of \$3,030,000;

Coasts of Hawaiian Islands, Harbors for Light Draft Vessels: House Document Numbered 353, Ninetieth Congress, at an estimated cost of \$1,256,000.

BEACH EROSION

Brevard County, Florida: House Document Numbered 352, Ninetieth Congress, at an estimated cost of \$680,000.

SEC. 102. The project for beach erosion control, Fort Pierce, Florida, authorized by the River and Harbor Act of 1965 (79 Stat. 1089, 1092) in accordance with the recommendations of the Chief of Engineers in House Document Numbered 84, Eighty-ninth Congress, is hereby modified to provide for construction of the project and periodic nourishment for ten years by the Secretary of the Army, acting through the Chief of Engineers. In addition to applicable requirements of local cooperation set forth in the aforementioned report of the Chief of Engineers, local interests shall, prior to construction, give assurances satisfactory to the Secretary of the Army that they will—

(1) contribute in cash, either in a lump sum prior to initiation of construction or in installments prior to the start of pertinent work items in accordance with construction or nourishment schedules, as determined by the Chief of Engineers, all costs of initial construction and periodic nourishment for ten years exclusive of costs assigned to the Federal Government in the aforementioned recommendations of the Chief of Engineers; and

(2) hold and save the United States free from damages due to the construction works.

SEC. 103. (a) That section 2 of the Act entitled "An Act authorizing the Secretary of War to sell and convey to the town of Marmet,

West Virginia, two tracts of land to be used for municipal purposes", approved July 8, 1942 (56 Stat. 651) is hereby amended by deleting the period after the words "related municipal purposes" and inserting thereafter the phrase "including firefighting facilities and structures".

(b) The Secretary of the Army is authorized and directed to issue to the town of Marmet, West Virginia, without monetary consideration therefor, such written instruments as may be necessary to carry out the provisions of this section.

SEC. 104. (a) That notwithstanding any other provision of law, the Secretary of the Army or his designee, is authorized and directed to convey to the State of West Virginia, subject to the terms and conditions hereinafter stated, and to such other terms and conditions as the Secretary of the Army, or his designee, shall deem to be in the public interest, all right, title, and interest of the United States in and to certain real property, together with improvements thereon, located at Ohio River locks and dams numbered 16, 19, 20, and 21 in West Virginia as described in subsection (b) of this section. No property shall be conveyed under authority of this section until these locks and dams have been determined by the Secretary to be in excess to the requirements of the Department of the Army and suitable replacement facilities are in operation under the Ohio River navigation modernization program. The Secretary may make such prior disposition of such facilities and improvements on such lands as he deems to be in the best interest of the United States.

State of West
Virginia, convey-
ance.

(b) The real property authorized for conveyance by subsection (a) of this section comprise all or portions of such lands and improvements as may be determined excess of four lock and dam projects on the Ohio River in the State of West Virginia and designated as, number 16 (Willow Island Pool) in Tyler County, numbers 19 and 20 (Belleville Pool) in Wood County, and number 21 (Racine Pool) in Jackson County. The exact descriptions and acreage to be determined by the Secretary by accurate surveys, the cost of which is to be borne by the State of West Virginia.

(c) The conveyance authorized herein shall provide that said property shall be used only for public park and recreation purposes and such other uses directly related to the programs of the West Virginia Department of Natural Resources, and if it ever ceases to be used for such purposes, title to said property shall immediately revert to the United States. Any deed of conveyance shall also be subject to and include the following additional terms and conditions:

Public use.

(1) The State of West Virginia shall pay the United States as consideration for the conveyance 50 per centum of the current fair market value of the property as determined by the Secretary of the Army.

(2) There shall be reserved to the United States such flowage easements and rights-of-way for roads and utility lines as the Secretary determines may be required for other navigation projects.

(3) Such other restrictions, terms, and conditions as the Secretary deems necessary to protect the interests of the United States.

(d) Any moneys paid for the conveyances referred to herein shall be covered into the United States Treasury as miscellaneous receipts.

Terms and con-
ditions.

SEC. 105. (a) That the Secretary of the Army shall convey, without monetary consideration, to the city of Buffalo, New York, all right, title, and interest of the United States in and to certain real property underlying Lake Erie containing approximately 46.01 acres and more particularly described in subsection (b) of this section, on condition that such real property be used for public park and recreational development purposes and if such property shall ever cease to be used for such purposes, title thereto shall revert to the United States.

Buffalo, N.Y.,
conveyance.

(b) The real property referred to in this section is more particularly described as follows:

(1) PARCEL E.—Beginning at the point of intersection of the south line of outer lot 39 prolonged and the shoreline of Lake Erie as established in 1846, which point bears south 68 degrees 28 minutes west, a distance of 140 feet, more or less, from United States Monument numbered 7, which monument is the southeasterly corner of the said outer lot 39;

thence southwesterly at right angles with the established harbor line 1,140 feet, more or less, to the said harbor line;

thence northwesterly along said harbor line, 1,310 feet, more or less, to the point of intersection of said harbor line and a line at right angles thereto passing through the point of intersection of the shoreline of Lake Erie in 1846 and a line 330 feet northerly at right angles from and parallel with the south line of outer lot 36;

thence northeasterly at right angles with said harbor line 1,115 feet, more or less, to the shoreline of Lake Erie in 1846;

thence southeasterly along said shoreline of Lake Erie 1,320 feet, more or less, to the point of beginning containing 34.04 acres, more or less.

(2) PARCEL C-B.—Beginning at the point of intersection of the shoreline of Lake Erie with the northerly line of land deeded to the United States Government, October 21, 1846, said line also extending in a due east and west direction and passing through the northwest corner of outer lot 36 (United States Monument No. 2), said point of beginning being also 480 feet, more or less, west of the said northwest corner of outer lot 36;

thence southeasterly along said shoreline of Lake Erie in 1846 a distance of 470 feet, more or less, to the intersection with a line 330 feet northerly at right angles from and parallel with the south line of lot 36, said line being also the north line of lands deeded to the United States Government, September 25, 1847;

thence southwesterly at right angles to established harbor line 1,115 feet, more or less, to the established harbor line;

thence northwesterly along said harbor line 465 feet, more or less, to the point of intersection of said harbor line and a line at right angles thereto passing through the point of intersection of the shoreline of Lake Erie in 1846 and the line extending in a due east and west direction and passing through the northwest corner of outer lot 36;

thence easterly at right angles to established harbor line 1,115 feet, more or less, to the shoreline of Lake Erie in 1846, which is the above referenced point of beginning, containing 11.97 acres, more or less.

(c) Any deed of conveyance made pursuant to this section shall reserve to the United States, for a period not to exceed seven years, the right to use such lands for a spoil disposal area for materials dredged from the Buffalo Harbor Project, including the right to place structures thereon and to perform all other actions incident to such use, together with the rights of ingress and egress thereto. Such deed shall contain such additional terms and conditions as may be determined by the Secretary of the Army to be necessary to protect the interest of the United States.

SEC. 106. (a) The Chief of Engineers, Department of the Army, under the direction of the Secretary of the Army, shall make an appraisal investigation and study, including a review of any previous relevant studies and reports, of the Atlantic, Gulf, and Pacific coasts of the United States, the coasts of Puerto Rico and the Virgin Islands, and the shorelines of the Great Lakes, including estuaries and bays thereof, for the purpose of (1) determining areas along such coasts

and shorelines where significant erosion occurs; (2) identifying those areas where erosion presents a serious problem because the rate of erosion, considered in conjunction with economic, industrial, recreational, agricultural, navigational, demographic, ecological, and other relevant factors, indicates that action to halt such erosion may be justified; (3) describing generally the most suitable type of remedial action for those areas that have a serious erosion problem; (4) providing preliminary cost estimates for such remedial action; (5) recommending priorities among the serious problem areas for action to stop erosion; (6) providing State and local authorities with information and recommendations to assist the creation and implementation of State and local coast and shoreline erosion programs; (7) developing recommended guidelines for land use regulation in coastal areas taking into consideration all relevant factors; and (8) identifying coastal areas where title uncertainty exists. The Secretary of the Army shall submit to the Congress as soon as practicable, but not later than three years after the date of enactment of this Act, the results of such appraisal investigation and study, together with his recommendations. The views of concerned local, State, and Federal authorities and interests will be taken into account in making such appraisal investigation and study.

Report to Congress.

(b) There are authorized to be appropriated such amounts, not to exceed \$1,000,000, as may be necessary to carry out the provisions of this section.

Appropriation.

SEC. 107. That the projects for the Illinois Waterway and Grand Calumet River, Illinois and Indiana (Calumet-Sag navigation project), authorized by the River and Harbor Act of July 24, 1946, are hereby modified substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 45, Eighty-fifth Congress, insofar as such recommendations apply to existing highway bridges in Part II: Grand Calumet River and Indiana Harbor Canal, at an estimated cost of \$33,265,000.

60 Stat. 634.

SEC. 108. (a) Steele Bayou, in Warren, Issaquena, Sharkey, and Washington Counties, Mississippi, Washington Bayou, in Issaquena and Washington Counties, Mississippi, and Lake Washington, in Washington County, Mississippi, are hereby declared to be nonnavigable within the meaning of the laws of the United States.

(b) The project for navigation on Steele Bayou, Washington Bayou, and Lake Washington, authorized by the Rivers and Harbors Acts of July 5, 1884, August 5, 1886, and June 25, 1910, is hereby deauthorized.

23 Stat. 133;
24 Stat. 310;
36 Stat. 630.

SEC. 109. Section 313 of the Act approved October 27, 1965 (79 Stat. 1073), is amended by deleting the date "June 30, 1968" and substituting in lieu thereof "June 30, 1969".

SEC. 110. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to review the requirements of local cooperation for the Ouachita and Black Rivers navigation projects, authorized by the River and Harbor Act of 1950, as amended, with particular reference to Federal and non-Federal cost sharing, and he shall report the findings of such review to Congress within one year after the date of enactment of this Act.

Ouachita and Black Rivers.

64 Stat. 163.

Report to Congress.

SEC. 111. The Secretary of the Army, acting through the Chief of Engineers, is authorized to investigate, study, and construct projects for the prevention or mitigation of shore damages attributable to Federal navigation works. The cost of installing, operating, and maintaining such projects shall be borne entirely by the United States. No such project shall be constructed without specific authorization by Congress if the estimated first cost exceeds \$1,000,000.

Shore damage prevention study.

SEC. 112. Section 111 of the River and Harbor Act of 1966 (80 Stat. 1417) is amended by adding at the end thereof the following:

Washington Channel, D.C., study.

"(g) The Secretary of the Interior shall conduct a study of those areas in the vicinity of the Washington Channel in the District of

Report to President and Congress.

East and Hudson Rivers, N.Y.

Northern Embarcadero area, San Francisco, Calif.

Patapsco River, Md.

Columbia suitable for public visitor parking facilities. Such study shall, among others, consider existing and future visitation, multiple and alternative areas, methods for providing such facilities, and estimated costs and revenues to be derived therefrom. Not later than one hundred and eighty days after the date funds are appropriated to carry out such study, the Secretary shall submit to the President and Congress a report thereon together with his recommendations, including necessary legislation, if any. There is authorized to be appropriated not to exceed \$100,000 to carry out this subsection."

SEC. 113. Those portions of the East and Hudson Rivers in New York County, State of New York, lying shoreward of a line within the United States Pierhead Line as it exists on the date of enactment of this Act, and bounded on the north by the north side of Spring Street extended westerly and the south side of Robert F. Wagner, Senior Place extended eastwardly, are hereby declared to be nonnavigable waters of the United States within the meaning of the laws of the United States. This declaration shall apply only to portions of the above-described area which are bulkheaded and filled. Plans for bulkheading and filling shall be approved by the Secretary of the Army, acting through the Chief of Engineers, on the basis of engineering studies to determine the location and structural stability of the bulkheading and filling in order to preserve and maintain the remaining navigable waterway. Local interests shall reimburse the Federal Government for any engineering costs incurred under this section.

SEC. 114. That portion of the Northern Embarcadero area, beginning at the intersection of the northwesterly line of Bryant Street with the southwesterly line of Spear Street, which intersection lies on the line of jurisdiction of the San Francisco Port Authority; following thence westerly and northerly along said line of jurisdiction as described in the State of California Harbor and Navigation Code Section 1770, as amended in 1961, to its intersection with the easterly line of Van Ness Avenue produced northerly; thence northerly along said easterly line of Van Ness Avenue produced to its intersection with the United States Government pier-head line; thence following said pier-head line easterly and southerly to its intersection with the northwesterly line of Bryant Street produced northeasterly; thence southwesterly along said northwesterly line of Bryant Street produced to the point of beginning, is hereby declared to be nonnavigable waters within the meaning of the laws of the United States, and the consent of Congress is hereby given for the filling in of all or any part of the described area. This declaration shall apply only to portions of the above-described area which are bulkheaded and filled or are occupied by permanent pile-supported structures. Plans for bulkheading and filling and permanent pile-supported structures shall be approved by the Secretary of the Army, acting through the Chief of Engineers, on the basis of engineering studies to determine the location and structural stability of the bulkheading and filling and permanent pile-supported structures in order to preserve and maintain the remaining navigable waterway. Local interests shall reimburse the Federal Government for any engineering costs incurred under this section.

SEC. 115. That portion of the Northwest Branch of the Patapsco River located generally south of Pratt Street, east of Light Street, north of Key Highway, in the city of Baltimore, State of Maryland, and being more particularly described as all of that portion of the Northwest Branch of the Patapsco River lying west of a series of lines beginning at the point formed by the intersection of the south side of Pratt Street, as now laid out, and the west side of Pier 3 and running thence binding on the west side of Pier 3, south 04 degrees 19 minutes 47 seconds east 726.59 feet to the southwest corner of Pier 3; thence crossing the Northwest Branch of the Patapsco River, south

23 degrees 01 minutes 15 seconds west 855.36 feet to the point formed by the intersection of the existing pierhead and bulkhead line and the east side of Battery Avenue, last said point of intersection being the end of the first line of the fourth parcel of land conveyed by J. and F. Realty, Incorporated to Allegheny Pepsi-Cola Bottling Company by deed dated December 22, 1965, and recorded among the Land Record of Baltimore City in Liber J. F. C. numbered 2006 folio 345, the location of said pierhead and bulkhead line is based upon the Corps of Engineers, Baltimore District, Baltimore, Maryland, coordinate value for station LIV of said pierhead and bulkhead line, the coordinate value as referred to the Lambert grid plane coordinate system for the State of Maryland of said station LIV being east 2,111,161.40, north 527,709.27 and thence binding on the east side of Battery Avenue, south 03 degrees 09 minutes 07 seconds east 568 feet, more or less, to intersect the north side of Key Highway as now laid out and located is hereby declared to be not a navigable stream of the United States within the meaning of the laws of the United States, and the consent of Congress is hereby given for the filling in of all or any part of the described area.

SEC. 116. (a) The Secretary of the Army is authorized and directed to remove from the Potomac River and to destroy the abandoned ships, ships' hulls, and pilings, located in Mallow's Bay, between Sandy Point and Liverpool Point, Charles County, Maryland, and at Wide Water, south of Quantico, Virginia, and any other abandoned ships formerly among those in Mallow's Bay or at Wide Water which have drifted from those locations. Local interests shall contribute 50 percent of the cost of such work.

Potomac River,
abandoned ships,
etc.

(b) There is authorized to carry out this section, not to exceed \$175,000.

Appropriation.

SEC. 117. The Chief of Engineers, under the direction of the Secretary of the Army, is hereby authorized to maintain authorized river and harbor projects in excess of authorized project depths where such excess depths have been provided by the United States for defense purposes and whenever the Chief of Engineers determines that such waterways also serve essential needs of general commerce.

SEC. 118. (a) Section 5 of the Act entitled "An Act creating the City of Clinton Bridge Commission and authorizing said commission and its successors to acquire by purchase or condemnation and to construct, maintain, and operate a bridge or bridges across the Mississippi River at or near Clinton, Iowa, at or near Fulton, Illinois", approved December 21, 1944, as revised, amended, and reenacted, is hereby amended by inserting "(a)" immediately after "Sec. 5." and by adding at the end of such section the following new subsection:

Bridge at
Clinton, Iowa and
Fulton, Ill.

58 Stat. 846;
72 Stat. 851.

"(b) In addition to the method of payment provided in subsection (a) of this section, the commission and its successors and assigns are hereby authorized to provide for the payment of the cost of dismantling one bridge and of constructing as a replacement therefor a new bridge (including necessary approaches and approach highways) either entirely from a construction fund created in accordance with section 6 of this Act or from both such construction fund and from bonds issued and sold in accordance with subsection (a) of this section. The cost of any bridge constructed under this subsection (together with approaches and approach highways) shall include all costs and expenses included in the case of a bridge constructed under authority of subsection (a) of this section (including its approaches and approach highways)."

(b) The first sentence of section 6 of such Act of December 21, 1944, is amended by striking out the period at the end thereof and inserting

in lieu thereof a comma and the following: "and, if the Commission determines it advisable to do so, to provide a construction fund specifically to pay the cost of dismantling one bridge and constructing a new bridge to replace it as authorized by subsection (b) of section 5 of this Act."

(c) Section 6 of such Act of December 21, 1944, is further amended by adding immediately following the third sentence of such section the following new sentence: "If no bonds or notes are outstanding or if a sinking fund specifically for payment of all outstanding bonds and notes shall have been provided, the remainder of such tolls may, if the Commission determines it advisable to do so, be placed in a construction fund for use in accordance with subsection (b) of section 5 of this Act."

(d) The first sentence of subsection (a) of section 8 of such Act of December 21, 1944, is amended by inserting immediately after "solely for that purpose," the following: "and after any bridge constructed under authority of section 5(b) of this Act shall have been paid for, or sufficient funds are available in the construction fund authorized by section 6 to pay for such bridge,".

(e) The amendments made by this section shall be inapplicable insofar as they authorize the construction of a bridge or bridges unless actual construction thereof is commenced within five years from the date of enactment of this section and such construction is completed by January 1, 1980.

Surveys.

SEC. 119. The Secretary of the Army is hereby authorized and directed to cause surveys to be made at the following locations and subject to all applicable provisions of section 110 of the River and Harbor Act of 1950:

64 Stat. 168.

Back River, Maryland, from Chesapeake Bay to the city of Baltimore's waste water treatment plants.

Savannah and Tennessee Rivers, with a view to determining the advisability of providing a waterway connecting the rivers by canals and appurtenant facilities and a waterway connecting Charleston and Port Royal, South Carolina, with the lower Savannah River.

Lake Superior, with a view to determining the advisability of a waterway connecting the lake and the Mississippi River.

SEC. 120. (a) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to make studies of:

Streambank erosion, etc.

(1) The nature and scope of the damages which result from streambank erosion throughout the United States, with a view toward determining the need for, and the feasibility of, a coordinated program of streambank protection in the interests of reducing damages from the deposition of sediment in reservoirs and waterways, the destruction of channels and adjacent lands, and other adverse effects of streambank erosion.

(2) The need for and the feasibility of a program for the removal and disposal of drift and other debris, including abandoned vessels, from public harbors and associated channels under the jurisdiction of the Department of the Army.

Report to Congress.

(b) The Secretary shall report to Congress, not later than one year after the date of enactment of this Act, the results of such studies together with his recommendations in connection therewith, including an appropriate division of responsibility between Federal and non-Federal interests.

Citation of title.

SEC. 121. Title I of this Act may be cited as the "River and Harbor Act of 1968".

TITLE II—FLOOD CONTROL

Flood Control
Act of 1968.

SEC. 201. Section 3 of the Act approved June 22, 1936 (Public Law Numbered 738, Seventy-fourth Congress), as amended by section 2 of the Act approved June 28, 1938 (Public Law Numbered 761, Seventy-fifth Congress), shall apply to all works authorized in this title except that for any channel improvement or channel rectification project, provisions (a), (b), and (c) of section 3 of said Act of June 22, 1936, shall apply thereto, except as otherwise provided by law. The authorization for any flood control project herein authorized by this Act requiring local cooperation shall expire five years from the date on which local interests are notified in writing by the Secretary of the Army or his designee of the requirements of local cooperation, unless said interests shall within said time furnish assurances satisfactory to the Secretary of the Army that the required cooperation will be furnished.

49 Stat. 1571.
33 USC 701c.52 Stat. 1215.
33 USC 701c-1.

SEC. 202. The provisions of section 1 of the Act of December 22, 1944 (Public Law Numbered 534, Seventy-eighth Congress, second session), shall govern with respect to projects authorized in this Act, and the procedures therein set forth with respect to plans, proposals, or reports for works of improvement for navigation or flood control and for irrigation and purposes incidental thereto shall apply as if herein set forth in full.

58 Stat. 887.
33 USC 701-1.

SEC. 203. The following works of improvement for the benefit of navigation and the control of destructive floodwaters and other purposes are hereby adopted and authorized to be prosecuted under the direction of the Secretary of the Army and supervision of the Chief of Engineers in accordance with the plans in the respective reports hereinafter designated and subject to the conditions set forth therein. The necessary plans, specifications, and preliminary work may be prosecuted on any project authorized in this title with funds from appropriations hereafter made for flood control so as to be ready for rapid inauguration of a construction program. The projects authorized in this title shall be initiated as expeditiously and prosecuted as vigorously as may be consistent with budgetary requirements. Penstocks and other similar facilities adapted to possible future use in the development of hydroelectric power shall be installed in any dam authorized in this Act for construction by the Department of the Army when approved by the Secretary of the Army on the recommendation of the Chief of Engineers and the Federal Power Commission.

Projects.

LOWER CHARLES RIVER, MASSACHUSETTS

The project for flood control on the Lower Charles River, Massachusetts, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 370, Ninetieth Congress, at an estimated cost of \$18,620,000.

CONNECTICUT RIVER BASIN

The project for the Beaver Brook Dam and Reservoir, Beaver Brook, New Hampshire, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 68, Ninetieth Congress, at an estimated cost of \$1,185,000.

The project for flood protection on Park River, Connecticut, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 43, Ninetieth Congress, at an estimated cost of \$30,300,000.

LONG ISLAND SOUND

The project for flood protection on Norwalk River, Connecticut and New York, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 51, Ninetieth Congress, at an estimated cost of \$2,700,000.

DELAWARE-ATLANTIC COASTAL AREA

The project for hurricane-flood protection and beach erosion control along the Delaware Coast from Cape Henlopen to Fenwick Island, at the Delaware-Maryland State Line is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers, in Senate Document Numbered 90, Ninetieth Congress, at an estimated cost of \$5,584,000.

RAPPAHANNOCK RIVER BASIN

The project for the Salem Church Dam and Reservoir Rappahannock River, Virginia, is hereby modified substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 37, Ninetieth Congress, at an estimated cost of \$79,500,000.

CAPE FEAR RIVER BASIN

The project for the Randleman Dam and Reservoir, Deep River, North Carolina, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 343, Ninetieth Congress, at an estimated cost of \$19,463,000.

The project for the Howards Mill Dam and Reservoir, Deep River, North Carolina, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 343, Ninetieth Congress, at an estimated cost of \$12,460,000.

SOUTH ATLANTIC COASTAL AREA

The project for beach erosion control and hurricane flood protection of Dade County, Florida, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 335, Ninetieth Congress, at an estimated cost of \$11,805,000.

HILLSBOROUGH BAY, FLORIDA

The project for hurricane-flood control protection on Hillsborough Bay, Florida, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 313, Ninetieth Congress, at an estimated cost of \$9,909,000, except that construction of the barrier across Hillsborough Bay shall not be undertaken until the Chief of Engineers completes further detailed studies covering related water resource problems, including a comprehensive model study of the entire Tampa Bay area, and until sixty days after the date of submission of a report on such studies to the Committees on Public Works of the Senate and House of Representatives.

CENTRAL AND SOUTHERN FLORIDA

The project for Central and Southern Florida, authorized by the Flood Control Act of June 30, 1948, is further modified in accordance with the recommendations of the Chief of Engineers in Senate Docu-

ment Numbered 101, Ninetieth Congress, at an estimated cost of \$8,072,000, and in accordance with House Document Numbered 369, Ninetieth Congress, at an estimated cost of \$58,182,000.

PASCAGOULA RIVER BASIN

The project for the Tallahala Creek Dam and Reservoir, Tallahala Creek, Mississippi, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 143, Ninetieth Congress, at an estimated cost of \$16,360,000.

LOWER MISSISSIPPI RIVER BASIN

The project for flood control and improvement of the lower Mississippi River, adopted by the Act of May 15, 1928 (45 Stat. 534), as amended and modified, is hereby further modified and expanded to include the following items:

Project modification.

33 USC 702a-702m.

(1) The project for the St. Francis River Basin, Arkansas and Missouri, authorized by the Flood Control Act approved June 15, 1936 (Public Law 74-678), as modified by subsequent Acts of Congress, including the Flood Control Act of 1965. Public Law 89-298 is hereby further modified to provide that the requirements of local cooperation for the improvements authorized in the Flood Control Act of 1965, shall conform to those requirements for local cooperation in the Saint Francis River Basin authorized in previous Acts of Congress, substantially as recommended by the Chief of Engineers in Senate Document Numbered 11, Ninetieth Congress.

49 Stat. 1508.

79 Stat. 1073.

(2) Improvements in the Boeuf and Tensas Rivers and Bayou Macon Basin to divert flows that would otherwise enter Lake Chicot, Arkansas, substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 168, Ninetieth Congress, at an estimated cost of \$15,240,000, except that prior to initiation of construction of the project, local interests shall agree that no fees shall be charged for admission to Lake Chicot and to public recreation areas adjoining Lake Chicot and that user fees at such lake and areas shall be devoted to recreation purposes.

(3) Improvements in the Belle Fountain ditch and tributaries, Missouri, and Drainage District Number 17, Arkansas, substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 339, Ninetieth Congress, at an estimated cost of \$4,638,000.

WHITE RIVER BASIN

The project for flood protection on Crooked Creek at and in the vicinity of Harrison, Arkansas, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 28, Ninetieth Congress, at an estimated cost of \$2,840,000.

BRAZOS RIVER BASIN

The project for the Aquilla Dam and Reservoir, Aquilla Creek, Texas, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 52, Ninetieth Congress, at an estimated cost of \$23,612,000.

NAVASOTA RIVER BASIN

The project for the Navasota River, Texas, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 341, Ninetieth Congress, at an estimated cost of \$119,707,000.

CLEAR CREEK, TEXAS

The project for flood protection on Clear Creek, Texas, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 351, Ninetieth Congress, at an estimated cost of \$12,600,000.

PECAN BAYOU, TEXAS

The project for flood protection on Pecan Bayou, Texas, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 350, Ninetieth Congress, at an estimated cost of \$24,861,000.

GULF OF MEXICO

The project for hurricane-flood control at Texas City and vicinity, Texas, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 187, Ninetieth Congress, at an estimated cost of \$10,990,000.

UPPER MISSISSIPPI RIVER BASIN

The project for flood protection on the Mississippi River from Cassville, Wisconsin, to mile 300, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 348, Ninetieth Congress, at an estimated cost of \$21,300,000.

The project for flood protection of State Road and Ebner Coulees, city of La Crosse and Shelby Township, Wisconsin, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 360, Ninetieth Congress, at an estimated cost of \$6,849,000.

RED RIVER OF THE NORTH

The project for flood protection on the South Branch of the Wild Rice River and Felton Ditch, Minnesota, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 98, Ninetieth Congress, at an estimated cost of \$1,230,000.

OHIO RIVER BASIN

The project for flood protection on the Ohio River in Southwestern Jefferson County, Kentucky, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 340, Ninetieth Congress, at an estimated cost of \$19,800,000.

The project for the Utica Dam and Reservoir and flood protection at Newark, Licking River Basin, Ohio, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 337, Ninetieth Congress, at an estimated cost of \$32,953,000.

WABASH RIVER BASIN

The project for flood control and related purposes in the Wabash River Basin, Indiana, Illinois, and Ohio, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 96, Ninetieth Congress, and

the Big Walnut Dam and Reservoir is authorized substantially in accordance with the plan for such project set forth in the report of the Chief of Engineers in said document. There is hereby authorized to be appropriated the sum of \$50,000,000, for initiation and partial accomplishment of the project, except that construction of the Big Walnut Dam and Reservoir shall not be initiated until approved by the President.

Appropriation.

MISSOURI RIVER BASIN

The project for the Bear Creek Dam and Reservoir, South Platte River, Colorado, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 87, Ninetieth Congress, at an estimated cost of \$32,314,000.

South Platte
River, Colo.

The project for flood protection on the Big Sioux River at and in the vicinity of Sioux City, Iowa and South Dakota, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 94, Ninetieth Congress, at an estimated cost of \$2,750,000. With respect to that portion of the project above Sioux City, Iowa, approved in accordance with House Document Numbered 199, Eighty-eighth Congress, in the Flood Control Act of 1965 (Public Law 89-298), there shall be mutual agreement between the States of Iowa and South Dakota on a flood control plan and a plan for mitigation of fish and wildlife losses with respect to said portion within six months following completion of the reservoir study for the upper basin of the Big Sioux River and the Rock River now underway and receipt of copies of said report by the Governors of the States of Iowa and South Dakota. If said mutual agreement is not reached within said time, approval of said flood control plan and plan for mitigation of fish and wildlife losses shall be made by a committee consisting of one representative each appointed by the Chief of Engineers, the Secretary of the Interior, and the Secretary of Agriculture.

Big Sioux River,
S. Dak.

79 Stat. 1073.

The project for flood protection and other purposes in the Papillion Creek Basin, Nebraska, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 349, Ninetieth Congress, at an estimated cost of \$26,800,000.

Papillion Creek
Basin, Nebr.

The project for the Davids Creek Dam and Reservoir, Nishnabotna River, Iowa, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 142, Ninetieth Congress, at an estimated cost of \$2,040,000.

Nishnabotna
River, Iowa.

The project for flood control and other purposes on the Little Blue River in the vicinity of Kansas City, Missouri, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 169, Ninetieth Congress, at an estimated cost of \$38,492,000.

The second paragraph under the heading "Missouri River Basin" of the Act entitled "An Act authorizing additional appropriations for the prosecution of comprehensive plans for certain river basins", approved December 30, 1963 (77 Stat. 840), is hereby amended to read as follows:

"The comprehensive plan for flood control and other purposes in the Missouri River Basin, authorized by the Flood Control Act of June 28, 1938, as amended and supplemented, is further modified to include such bank protection or rectification works at or below the Garrison Reservoir as in the discretion of the Chief of Engineers and the Secretary of the Army may be found necessary, at an estimated cost of \$7,040,000."

52 Stat. 1218.
33 USC 701b
etc.

JORDAN RIVER BASIN

The project for the Little Dell Dam and Reservoir, Salt Lake City Streams, Utah, is hereby modified substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 53, Ninetieth Congress, at an estimated cost of \$22,664,000.

SACRAMENTO RIVER BASIN

The project for flood protection on the Feather River at Chester, California, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 314, Ninetieth Congress, at an estimated cost of \$940,000.

SANTA ANA RIVER BASIN

The project for flood protection, and other purposes on Cucamonga Creek, California, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 323, Ninetieth Congress, at an estimated cost of \$26,300,000.

SAN FRANCISCO BAY AREA

The project for flood control on Alhambra Creek, California, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 336, Ninetieth Congress, at an estimated cost of \$8,000,000.

MAD RIVER, CALIFORNIA

The project for flood control on the Mad River, California, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 359, Ninetieth Congress, at an estimated cost of \$38,600,000.

SWEETWATER RIVER BASIN

The project for flood control on the Sweetwater River, California, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 148, Ninetieth Congress, at an estimated cost of \$4,900,000.

TANANA RIVER BASIN

The project for flood control in the Tanana River Basin in the vicinity of Fairbanks, Alaska, is hereby modified substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 89, Ninetieth Congress, at an estimated cost of \$111,700,000.

IAO STREAM, HAWAII

The project for flood protection and other purposes on Iao Stream, Hawaii, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 151, Ninetieth Congress, at an estimated cost of \$1,660,000.

SEC. 204. The Secretary of the Army, acting through the Chief of Engineers, is authorized to provide such school facilities as he may deem necessary for the education of dependents of persons engaged in the construction of the Dworshak Dam and Reservoir project, Idaho, and to pay for the same from any funds available for such project.

When he determines it to be in the public interest, the Secretary, acting through the Chief of Engineers, may enter into cooperative arrangements with local and Federal agencies for the operation of such Government facilities, for the expansion of local facilities at Federal expense, and for contributions by the Federal Government to cover the increased cost to local agencies of providing the educational services required by the Government.

SEC. 205. The project for flood protection at Ironton, Ohio, authorized by the Flood Control Act of August 28, 1937, is hereby modified so as to provide for the installation by the Secretary of the Army, acting through the Chief of Engineers, of aluminum closure structures at gates numbered 10, 17, and 18, located at Second and Orchard Streets, Second Street west of Storms Creek, and Second and Ellison Streets, respectively, at an estimated cost of \$58,000.

Ironton, Ohio.
50 Stat. 876.

SEC. 206. That, notwithstanding the first proviso in section 201 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes", approved July 3, 1958 (72 Stat. 305), the authorization in section 203 of such Act of projects for local protection on the Weber River, Utah shall expire on April 16, 1972, unless local interests shall before such date furnish assurances satisfactory to the Secretary of the Army that the required local cooperation in such project will be furnished.

Weber River,
Utah.

SEC. 207. That, notwithstanding the first proviso in section 201 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes", approved July 3, 1958 (72 Stat. 305), the authorization in section 203 of such Act of projects for local protection on the Pecos River at Carlsbad, New Mexico, shall expire on May 19, 1972, unless local interests shall before such date furnish assurances satisfactory to the Secretary of the Army that the required local cooperation in such project will be furnished.

Pecos River,
N. Mex.

SEC. 208. The project for flood protection on the Gila River below Painted Rock Reservoir, Arizona, authorized by the Flood Control Act of 1962 (76 Stat. 1180, 1190), substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 116, Eighty-seventh Congress, is hereby modified to provide that local cooperation shall consist of the requirements that, prior to construction, local interests give assurances satisfactory to the Secretary of the Army that they will: (1) make a cash contribution of \$700,000, to be paid either in a lump sum prior to initiation of construction or in installments prior to the start of pertinent work items in accordance with construction schedules, as determined by the Chief of Engineers, except that the reasonable value, as determined by the Chief of Engineers, of any lands, easements, rights-of-way, and relocations, furnished by the local interests shall be deducted from the required cash contribution; (2) hold and save the United States free from damages due to the construction works; (3) maintain and operate all works after completion in accordance with regulations prescribed by the Secretary of the Army.

Gila River,
Ariz.

SEC. 209. (a) Whenever any State, or any agency or instrumentality of a State or local government, or any nonprofit incorporated body organized or chartered under the law of the State in which it is located, or any nonprofit association or combination of such bodies, agencies or instrumentalities, shall undertake to secure any lands or interests therein as a site for the resettlement of families, individuals, and business concerns displaced by a river and harbor improvement, flood control or other water resource project duly authorized by Congress, and when it has been determined by the Secretary

Land for re-
settlement, acqui-
sition.

of the Army that the State is unable to acquire necessary lands or interests in lands or is unable to acquire such lands or interests in lands with sufficient promptness, the Secretary, upon the request of the Governor of the State in which such site is located, and after consultation with appropriate Federal, State, interstate, regional, and local departments and agencies, is authorized, in the name of the United States and prior to the approval of title by the Attorney General, to acquire, enter upon, and take possession of such lands or interests in lands by purchase, donation, condemnation or otherwise in accordance with the laws of the United States (including the Act of February 26, 1931 (46 Stat. 1421)). All expenses of said acquisition and any award that may be made under a condemnation proceeding, including costs of examination and abstract of title, certificate of title, appraisal, advertising, and any fees incident to acquisition, shall be paid by such State or body, agency, or instrumentality. The State, agency, instrumentality, or nonprofit body may repay such amounts from any funds made available to it for such purposes by any Federal department, agency, or instrumentality (other than the Department of the Army) having authority to make funds available for such a purpose. Pending such payment, the Secretary may expend from any funds hereafter appropriated for the project occasioning such acquisition such sums as may be necessary to carry out this section. To secure payment, the Secretary may require any such State or agency, body, or instrumentality to execute a proper bond in such amount as he may deem necessary before acquisition is commenced. Any sums paid to the Secretary by any such State or agency, body or instrumentality shall be deposited in the Treasury to the credit of the appropriation for such project.

(b) No acquisition shall be undertaken under the authority of this section unless the Secretary has determined, after consultation with appropriate Federal, State, and local governmental agencies that (1) the development of a site is necessary in order to alleviate hardships to displaced persons; (2) the location of the site is suitable for development in relation to present or potential sources of employment; and (3) a plan for development of the site has been approved by appropriate local governmental authorities in the area or community in which such site is located.

(c) The Secretary is further authorized and directed by proper deed, executed in the name of the United States, to convey any lands or interests in land acquired in any State under the provisions of this section, to the State, or such public or private nonprofit body, agency, or institution in the State as the Governor may prescribe, upon such terms and conditions as may be agreed upon by the Secretary, the Governor, and the agency to which the conveyance is to be made.

SEC. 210. No entrance or admission fees shall be collected after March 31, 1970, by any officer or employee of the United States at public recreation areas located at lakes and reservoirs under the jurisdiction of the Corps of Engineers, United States Army. User fees at these lakes and reservoirs shall be collected by officers and employees of the United States only from users of highly developed facilities requiring continuous presence of personnel for maintenance and supervision of the facilities, and shall not be collected for access to or use of water areas, undeveloped or lightly developed shoreland, picnic grounds, overlook sites, scenic drives, or boat launching ramps where no mechanical or hydraulic equipment is provided.

SEC. 211. The Mason J. Niblack levee feature of the project for flood control in the Wabash River Basin, Illinois and Indiana, authorized by the Flood Control Act approved July 24, 1946, is hereby modified to provide for the installation by the Secretary of the Army, acting

40 USC 258a-
258e.
Condemnation
expenses.

Bond.

Acquisition pro-
visions.

Conveyance
authorization.

Entrance or ad-
mission fees.

Wabash River
Basin, Ill.-Ind.
60 Stat. 652.

through the Chief of Engineers, and operation and maintenance by local interests, of pumping facilities to remove ponded interior drainage from the area protected by the levee, at an estimated cost of \$500,000.

SEC. 212. The Secretary of the Army, acting through the Chief of Engineers, is authorized to amend Contract Numbered DA-45-108-CIVENG-66-68, between the United States and the Montana State Highway Commission for the relocation of Montana State Highway 37 in connection with the construction of the Libby Dam project, so as to provide that the design standards for the relocation shall be those adopted by the State of Montana pursuant to the provisions of the Highway Safety Act of 1966 (80 Stat. 731).

Montana State
Highway 37.

SEC. 213. The project for flood control and improvement of the Lower Mississippi River, adopted by the Act of May 15, 1928 (45 Stat. 534) as amended and modified, is further modified to provide pumping plants and other drainage facilities in Cairo, Illinois, and vicinity, to the extent found economically justified by the Chief of Engineers, subject to the conditions that local interests (1) provide without cost to the United States all lands, easements, and rights-of-way necessary for the construction of the work; (2) hold and save the United States free from damages due to the construction work; and (3) maintain and operate all works after completion.

23 USC 401
note.
Lower Missis-
sippi River.
33 USC 702a.

SEC. 214. The project for the Sanders Creek Red River Basin, Texas, is hereby modified to provide for the acquisition of additional privately owned lands aggregating approximately seven hundred and fifty acres located within the boundaries of former Camp Maxey, Lamar County, Texas, for the purpose of consolidating Federal ownership of areas as may be needed for wildlife purposes in connection with the Pat Mayse Dam and Reservoir project, and to facilitate the establishment of a wildlife refuge or wildlife management area. The lands so acquired will be made available to the Secretary of the Interior or to the State of Texas in accordance with established administrative procedures pursuant to the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.). The acquisition of such lands may be deferred until such time as assurances are given, satisfactory to the Chief of Engineers, that a wildlife refuge or wildlife management area will be established.

Sanders Creek
Red River Basin,
Texas.

SEC. 215. (a) The Secretary of the Army, acting through the Chief of Engineers, may, when he determines it to be in the public interest, enter into agreements providing for reimbursement to States or political subdivisions thereof for work to be performed by such non-Federal public bodies at water resources development projects authorized for construction under the Secretary of the Army and the supervision of the Chief of Engineers. Such agreements may provide for reimbursement of installation costs incurred by such entities or an equivalent reduction in the contributions they would otherwise be required to make, or in appropriate cases, for a combination thereof. The amount of Federal reimbursement, including reductions in contributions, for a single project shall not exceed \$1,000,000.

60 Stat. 1080;
72 Stat. 563.

Reimbursement
to States, etc.

(b) Agreements entered into pursuant to this section shall (1) fully describe the work to be accomplished by the non-Federal public body, and be accompanied by an engineering plan if necessary therefor; (2) specify the manner in which such work shall be carried out; (3) provide for necessary review of design and plans, and inspection of the work by the Chief of Engineers or his designee; (4) state the basis on which the amount of reimbursement shall be determined; (5) state that such reimbursement shall be dependent upon the appropriation of funds applicable thereto or funds available therefor, and shall not take precedence over other pending projects of higher priority for improvements; and (6) specify that reimbursement or credit for non-

Agreement pro-
visions.

Federal installation expenditures shall apply only to work undertaken on Federal projects after project authorization and execution of the agreement, and does not apply retroactively to past non-Federal work. Each such agreement shall expire three years after the date on which it is executed if the work to be undertaken by the non-Federal public body has not commenced before the expiration of that period. The time allowed for completion of the work will be determined by the Secretary of the Army, acting through the Chief of Engineers, and stated in the agreement.

(c) No reimbursement shall be made, and no expenditure shall be credited, pursuant to this section, unless and until the Chief of Engineers or his designee, has certified that the work for which reimbursement or credit is requested has been performed in accordance with the agreement.

(d) Reimbursement for work commenced by non-Federal public bodies no later than one year after enactment of this section, to carry out or assist in carrying out projects for beach erosion control, may be made in accordance with the provisions of section 2 of the Act of August 13, 1946, as amended (33 U.S.C. 426f). Reimbursement for such work may, as an alternative, be made in accordance with the provisions of this section, provided that agreement required herein shall have been executed prior to commencement of the work. Expenditures for projects for beach erosion control commenced by non-Federal public bodies subsequent to one year after enactment of this section may be reimbursed by the Secretary of the Army, acting through the Chief of Engineers, only in accordance with the provisions of this section.

(e) This section shall not be construed (1) as authorizing the United States to assume any responsibilities placed upon a non-Federal body by the conditions of project authorization, or (2) as committing the United States to reimburse non-Federal interests if the Federal project is not undertaken or is modified so as to make the work performed by the non-Federal Public body no longer applicable.

(f) The Secretary of the Army is authorized to allot from any appropriations hereafter made for civil works, not to exceed \$10,000,000 for any one fiscal year to carry out the provisions of this section. This limitation does not include specific project authorizations providing for reimbursement.

SEC. 216. (a) The Secretary of the Army shall, without monetary consideration, extend until October 1, 1964, the rights described in this section which were reserved until July 1, 1964, to any former owner (including his heirs, administrators, executors, successors, and assigns) of the subsurface estate of any real property acquired by the United States in connection with the construction of the Carlyle Reservoir project on the Kaskaskia River, Illinois. The reserved rights referred to in this section are more particularly described as the reservation of all oil, gas, and other minerals of like fugacious character, together with rights necessary for the purpose of exploration, development, production, and removal thereof within the Boulder Oil Field, and restricted to section 2, township 2 north, range 2 west, and sections 34, 35, and 36 in township 3 north, range 2 west, Clinton County, Illinois.

(b) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to such persons designated by the Secretary of the Army, whose rights are authorized to be extended by subsection (a) of this section, the amount of money determined by the Secretary of the Army to represent their respective interests in royalty payments received by the United States for the authorized three-month extended period. The total payments so made shall not exceed the sum of \$6,401.16.

76 Stat. 1178.

Appropriation.

Carlyle Reservoir,
Kaskaskia River, Ill.

SEC. 217. (a) No provision of law heretofore or hereafter enacted which limits the number of persons who may be appointed as full-time civilian employees, or temporary and part-time employees, in the executive branch of the Government shall apply to employees of the Tennessee Valley Authority engaged in its power program and paid exclusively from other than appropriated funds. In applying any such provision of law to other departments and agencies in the executive branch, the number of such employees of the Tennessee Valley Authority shall not be taken into account.

TVA power program employees.

(b) No provision of law that seeks to limit expenditures and net lending during the fiscal year ending on June 30, 1969, under the Budget of the United States Government, shall apply to expenditures by the Tennessee Valley Authority out of the proceeds from its power operations, from the sale of any power program assets, or from power revenue bonds, notes, or other evidences of indebtedness.

SEC. 218. The Chief of Engineers is directed to review the project for the Devils Jumps Dam and Reservoir, Big South Fork of the Cumberland River, Kentucky and Tennessee, and report to the Congress not later than December 31, 1969, on the feasibility of such project for the purposes of House Document Numbered 175, Eighty-seventh Congress. The Chief of Engineers, the Secretary of the Interior and the Secretary of Agriculture shall review and prepare such alternative plans as they may determine feasible and appropriate for the use of the Big South Fork of the Cumberland River and its tributaries in Kentucky and Tennessee and necessary contiguous areas for recreational, conservation, or preservation uses of such area and report to the Congress not later than December 31, 1969. The construction of such project or any alternative project shall not be initiated until such reports have been made to and approved by the Congress. Such funds as may be necessary to carry out this section are hereby authorized.

Project review; report to Congress.

SEC. 219. The Secretary of the Army is hereby authorized and directed to cause surveys for flood control and allied purposes, including channel and major drainage improvements, and floods aggravated by or due to wind or tidal effects, to be made under the direction of the Chief of Engineers, in drainage areas of the United States and its territorial possessions, which include the localities specifically named in this section. After the regular or formal reports made on any survey authorized by this section are submitted to Congress, no supplemental or additional report or estimate shall be made unless authorized by law except that the Secretary of the Army may cause a review of any examination or survey to be made and a report thereon submitted to Congress, if such review is required by the national defense or by changed physical or economic conditions.

Surveys.

Burnett, Crystal, and Scotts Bays and vicinity, Baytown, Texas, in the interest of flood control, drainage, and related water and land resources, including specifically the problems of general subsidence of the area and flood problems created thereby.

Linville Creek, Caney Creek and Tres Palacios, Texas, in the interest of flood control and related purposes.

Oso Creek, Texas, in the interest of flood control and related purposes.

Maddaket, Smith's Point and Broad Creek, Massachusetts, in the interest of flood control, hurricane protection, navigation and related purposes.

Streams at and in the vicinity of the Spring Mountain Youth Camp, Spring Mountain Range, Nevada, in the interest of flood control, bank erosion control, and allied purposes.

Virgin River, at and in the vicinity of Bunkerville, Mesquite, and Riverside, Nevada, in the interest of flood control, bank erosion control, and allied purposes.

Cuyahoga River from Upper Kent to Portage Trail in Cuyahoga Falls, Ohio, in the interest of flood control, pollution abatement, low flow regulation, and other allied water purposes.

Kalihi Stream, Honolulu, Oahu, Hawaii.

Citation of title. Sec. 220. Title II of this Act may be cited as the "Flood Control Act of 1968".

TITLE III—RIVER BASIN MONETARY AUTHORIZATIONS

Sec. 301. That (a) in addition to previous authorizations, there is hereby authorized to be appropriated for the prosecution of the comprehensive plan of development of each river basin under the jurisdiction of the Secretary of the Army referred to in the first column below, which was basically authorized by the Act referred to by date of enactment in the second column below, an amount not to exceed that shown opposite such river basin in the third column below :

Basin	Act of Congress	Amount
Alabama-Coosa River.....	Mar. 2, 1945	\$29,000,000
Arkansas River.....	June 28, 1938	108,000,000
Brazos River.....	Sept. 3, 1954	2,000,000
Central and southern Florida.....	June 30, 1948	15,000,000
Columbia River.....	June 28, 1938	193,000,000
Missouri River.....	June 28, 1938	38,000,000
Ohio River.....	June 22, 1936	35,000,000
Ouachita River.....	May 17, 1950	10,000,000
San Joaquin River.....	Dec. 22, 1944	17,000,000
South Platte River.....	May 17, 1950	12,000,000
Upper Mississippi River.....	June 28, 1938	5,000,000
White River.....	June 28, 1938	2,000,000

(b) The total amount authorized to be appropriated by this section shall not exceed \$466,000,000.

Sec. 302. In addition to the previous authorization, the completion of the system of flood control reservoirs on the West Branch Susquehanna River, Pennsylvania, authorized by the Flood Control Act of 1954, is hereby authorized at an estimated cost of \$3,000,000.

Sec. 303. Title III of this Act may be cited as the "River Basin Monetary Authorization Act of 1968".

Approved August 13, 1968.

Public Law 90-484

AN ACT

To provide indemnity payments to dairy farmers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized to make indemnity payments, at a fair market value, to dairy farmers who have been directed since January 1, 1964, to remove their milk from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government at the time of such use. Such indemnity payments shall continue to each dairy farmer until he has been reinstated and is again allowed to dispose of his milk on commercial markets.

SEC. 2. There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

SEC. 3. The authority granted under this Act shall expire on June 30, 1970.

Approved August 13, 1968.

68 Stat. 1248.
33 USC 701-1
note-706.
Citation of title.

August 13, 1968
[S. 3638]

Dairy farmers.
Indemnity pay-
ments.

Appropriation
authorization.
Expiration date.

Public Law 90-485

AN ACT

To amend chapter 73 of title 10, United States Code, relating to the retired serviceman's family protection plan, and for other purposes.

August 13, 1968
[H. R. 12323]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 73 of title 10, United States Code is amended as follows:

(1) Section 1431(b) is amended to read as follows:

“(b) To provide an annuity under section 1434 of this title, a person covered by subsection (a) may elect to receive a reduced amount of the retired pay or retainer pay to which he may become entitled as a result of service in his armed force. Except as otherwise provided in this section, unless it is made before he completes nineteen years of service for which he is entitled to credit in the computation of his basic pay, the election must be made at least two years before the first day for which retired pay or retainer pay is granted. However, if, because of military operations, a member is assigned to an isolated station or is missing, interned in a neutral country, captured by a hostile force, or beleaguered or besieged, and for that reason is unable to make an election before completing nineteen years of that service, he may make the election, to become effective immediately, within one year after he ceases to be assigned to that station or returns to the jurisdiction of his armed force, as the case may be. A member to whom retired pay or retainer pay is granted retroactively, and who is otherwise eligible to make an election, may make the election within ninety days after receiving notice that such pay has been granted to him. An election made after the date of enactment of this amendment is not effective if—

“(1) the elector dies during the first thirty-day period he is entitled to retired pay as a result of a physical condition which led to his being granted retired pay under chapter 61 of title 10 with a disability of 100 per centum under the standard schedule of rating disabilities in use by the Veterans' Administration at the time of the determination of the per centum of his disability;

“(2) the disability was not the result of injury or disease received in line of duty as a direct result of armed conflict; and

“(3) his widow or children are entitled to dependency and indemnity compensation under chapter 13 of title 38 based upon his death.”

(2) Section 1431(c) is amended to read as follows:

“(c) An election may be changed or revoked by the elector before the first day for which retired or retainer pay is granted. Unless it is made on the basis of restored mental competency under section 1433 of this title, or unless it is made before the elector completes nineteen years of service for which he is entitled to credit in the computation of his basic pay (in which case only the latest change or revocation shall be effective), the change or revocation is not effective if it is made less than two years before the first day for which retired or retainer pay is granted. The elector may, however, before the first day for which retired or retainer pay is granted, change or revoke his election (provided the change does not increase the amount of the annuity elected) to reflect a change in the marital or dependency status of the member or his family that is caused by death, divorce, annulment, remarriage, or acquisition of a child, if such change or revocation of election is made within two years of such change in marital or dependency status.”

(3) The text of section 1434 is amended to read as follows:

“(a) The annuity that a person is entitled to elect under section 1431 or 1432 of this title shall, in conformance with actuarial tables selected

Armed Forces.
Retired members,
family protection
plan.
75 Stat. 810.
Infra.

70A Stat. 91.
10 USC 1201-
1221.

72 Stat. 1126.
38 USC 401-423.

70A Stat. 109.

Maximum and
minimum amounts;
beneficiaries.
70A Stat. 109;
75 Stat. 811.

70A Stat. 110;
75 Stat. 811.

by the Board of Actuaries under section 1436(a) of this title, be the amount specified by the elector at the time of the election, but not more than 50 per centum nor less than 12½ per centum of his retired or retainer pay, in no case less than \$25. He may make the annuity payable—

“(1) to, or on behalf of, the surviving spouse, ending when the spouse dies or remarries;

“(2) in equal shares to, or on behalf of, the surviving children eligible for the annuity at the time each payment is due, ending when there is no surviving eligible child; or

“(3) to, or on behalf of, the surviving spouse, and after the death or remarriage of that spouse, in equal shares to, or on behalf of, the surviving eligible children, ending when there is no surviving eligible child.

“(b) A person may elect to provide both the annuity provided in clause (1) of subsection (a) and that provided in clause (2) of subsection (a), but the combined amount of the annuities may not be more than 50 per centum nor less than 12½ per centum of his retired or retainer pay but in no case less than \$25.

“(c) An election of any annuity under clause (1) or (2) of subsection (a), or any combination of annuities under subsection (b), shall provide that no deduction may be made from the elector's retired or retainer pay after the last day of the month in which there is no beneficiary who would be eligible for the annuity if the elector died. For the purposes of the preceding sentence, a child (other than a child who is incapable of supporting himself because of a mental defect or physical incapacity existing before his eighteenth birthday) who is at least eighteen, but under twenty-three years of age, and who is not pursuing a course of study or training defined in section 1435, of this title, shall be considered an eligible beneficiary unless the Secretary concerned approves an application submitted by the member under section 1436(b) (4) of this title. An election of an annuity under clause (3) of subsection (a) shall provide that no deduction may be made from the elector's retired or retainer pay after the last day of the month in which there is no eligible spouse because of death or divorce.

“(d) Under regulations prescribed under section 1444(a) of this title, a person may, before or after the first day for which retired or retainer pay is granted, provide for allocating, during the period of the surviving spouse's eligibility, a part of the annuity under subsection (a) (3) for payment to those of his surviving children who are not children of that spouse.”

(4) Section 1435(2)(B) is amended to read as follows:

“(B) under eighteen years of age, or incapable of supporting themselves because of a mental defect or physical incapacity existing before their eighteenth birthday, or at least eighteen, but under twenty-three, years of age and pursuing a full-time course of study or training in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution;”.

(5) Section 1435 is amended by adding the following flush sentences at the end:

“For the purposes of clause (2)(B), a child is considered to be pursuing a full-time course of study or training during an interval between school years that does not exceed one hundred and fifty days if he has demonstrated to the satisfaction of the Secretary concerned that he has a bona fide intention of commencing, resuming, or continuing to pursue a full-time course of study or training in a recognized educational institution immediately after that interval.”

Post, p. 753.

70A Stat. 111.

Eligibility.

(6) Section 1436(b) is amended to read as follows:

“(b) Under regulations prescribed under section 1444(a) of this title, the Secretary concerned may, upon application by the retired member, allow the member—

Annuity reduction; withdrawal from program.
75 Stat. 811.
70A Stat. 111.

“(1) to reduce the amount of the annuity specified by him under section 1434(a) and 1434(b) of this title but to not less than the prescribed minimum; or

Ante, p. 751.

“(2) to withdraw from participation in an annuity program under this title; or

“(3) to elect the annuity provided under clause (1) of section 1434(a) of this title in place of the annuity provided under clause (3) of such section, if on the first day for which retired or retainer pay is granted the member had in effect a valid election under clause (3) of such section, and he does not have a child beneficiary who would be eligible for the annuity provided under clause (3) of such section. For this purpose, a child (other than a child who is incapable of supporting himself because of a mental defect or physical incapacity existing before his eighteenth birthday) who is at least eighteen, but under twenty-three years of age shall not be considered an eligible beneficiary; or

“(4) to elect that a child (other than a child who is incapable of supporting himself because of a mental defect or physical incapacity existing before his eighteenth birthday) who is at least eighteen, but under twenty-three years of age shall not be considered eligible for the annuity provided under clause (2) of section 1434(a) of this title, or for an annuity provided under section 1434(b) of this title, if on the first day for which retired or retainer pay is granted the member had in effect a valid election under clause (2) of section 1434(a) of this title, or under section 1434(b) of this title.”

A retired member may not reduce an annuity under clause (1) of this subsection, or withdraw under clause (2) of this subsection, earlier than the first day of the seventh calendar month beginning after he applies for reduction or withdrawal. A change of election under clause (3) of this subsection shall be effective on the first day of the month following the month in which application is made. An election under clause (4) of this subsection shall be effective on the first day of the month following the month in which application is made and, if on the effective date there is no surviving child who would be eligible for an annuity provided under clause (2) of section 1434(a), or under section 1434(b), of this title if the elector died, no deduction shall be made for such an annuity to, or on behalf of, a child from the elector's retired or retainer pay for that month or any subsequent month. No amounts by which a member's retired or retainer pay is reduced prior to the effective date of a reduction of annuity, withdrawal, change of election, or election under this subsection may be refunded to, or credited on behalf of, the member by virtue of an application made by him under this subsection.

(7) Section 1437 is amended to read as follows:

70A Stat. 110.

“§ 1437. Payment of annuity

“(a) Except as provided in subsection (b) each annuity payable under this chapter accrues as of the first day of the month in which the person upon whose pay the annuity is based dies. Payments shall be made in equal installments and not later than the fifteenth day of each month following that month. However, no annuity accrues for the month in which entitlement thereto ends.

“(b) Each annuity payable to or on behalf of an eligible child (other than a child who is incapable of supporting himself because of a mental defect or physical incapacity existing before his eighteenth

Ante, p. 752.

birthday) as defined in section 1435(2)(B) of this title who is at least eighteen years of age and pursuing a full-time course of study or training at a recognized educational institution, accrues—

“(1) as of the first day of the month in which the member upon whose pay the annuity is based dies, if the eligible child’s eighteenth birthday occurs in the same or a preceding month.

“(2) as of the first day of the month in which the eighteenth birthday of an eligible child occurs, if the member upon whose pay the annuity is based died in a preceding month.

“(3) as of the first day of the month in which a child first becomes or again becomes eligible, if that eligible child’s eighteenth birthday and the death of the member upon whose pay the annuity is based both occurred in a preceding month or months.

However, no such annuity is payable or accrues for any month prior to the effective date of this subsection.”

Restriction.
75 Stat. 811.

(8) Section 1446(a)(2) is amended by striking out “18” and inserting in lieu thereof “19”.

70A Stat. 102;
80 Stat. 902.
80 Stat. 557.

SEC. 2. Chapter 67 of title 10, United States Code, is amended by adding to section 1331 the following new subsection:

“(e) Notwithstanding section 8301 of title 5, United States Code, the date of entitlement to retired pay under this section shall be the date on which the requirements of subsection (a) have been completed.”

Ante, p. 751.
Ante, p. 752.

SEC. 3. For members to whom section 1431 of title 10, United States Code, applies on the date of enactment of this Act, the provisions of section 1434(c) of that title, as amended by this Act, are effective immediately and automatically.

70A Stat. 108.
10 USC 1431-
1446.

SEC. 4. A retired member who elected an annuity under chapter 73 of title 10, United States Code, before the date of enactment of this Act, but did not make the election that was then provided by section 1434(c) of that title, may, before the first day of the thirteenth calendar month beginning after the date of enactment of this Act, make that election. That election becomes effective on the first day of the month following the month in which the election is made. Under regulations prescribed under section 1444(a) of this title, on or before the effective date the retired member must pay the total additional amount that would otherwise have been deducted from his retired or retainer pay to reflect such an election, had it been effective when he retired, plus the interest which would have accrued on that additional amount up to the effective date, except that if an undue hardship or financial burden would otherwise result payment may be made in from two to twelve monthly installments when the monthly amounts involved are \$25, or less, or in from two to thirty-six monthly installments when the monthly amounts involved exceed \$25. No amounts by which a member’s retired or retainer pay was reduced may be refunded to, or credited on behalf of, the retired member by virtue of an application made by him under this section. A retired member described in the first sentence of this section, who does not make the election provided under this section, will not be allowed under section 1436(b) of title 10, to reduce an annuity or withdraw from participation in an annuity program under that title.

Ante, p. 753.

SEC. 5. Notwithstanding any other provision of this Act, elections in effect on the date of enactment will remain under the cost tables applicable on the date of retirement, and the annuities provided thereunder shall be payable to those eligible beneficiaries prescribed under the law in effect on the day prior to the date of enactment of this Act.

Effective dates.

SEC. 6. Clause (1) and clause (6) of section 1, and sections 2, 3, and 4 of this Act are effective on the date of enactment. Remaining provisions of this Act are effective on the first day of the third calendar

month following the date of enactment. However, notwithstanding any other provision of this Act, any member to whom section 1431 of title 10, United States Code, applies on the date of enactment of this Act may, before the first day of the thirteenth calendar month beginning after the date of enactment of this Act, submit a written application to the Secretary concerned requesting that an election or a change or revocation of election made by such member prior to the date of enactment of this Act shall continue to be governed by the provisions of section 1431 (b) or (c) of title 10, United States Code, as in effect on the day before the date of enactment of this Act.

Ante, p. 751.

Approved August 13, 1968.

Public Law 90-486

AN ACT

August 13, 1968
[S. 3865]

To clarify the status of National Guard technicians, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “National Guard Technicians Act of 1968”.

National Guard
Technicians Act
of 1968.

SEC. 2. Title 32, United States Code, is amended as follows:

(1) Section 709 is amended to read as follows:

70A Stat. 614.

“§ 709. Technicians: employment, use, status

“(a) Under regulations prescribed by the Secretary of the Army or the Secretary of the Air Force, as the case may be, and subject to subsection (b) of this section persons may be employed as technicians in—

“(1) the administration and training of the National Guard; and

“(2) the maintenance and repair of supplies issued to the National Guard or the armed forces.

“(b) Except as prescribed by the Secretary concerned, a technician employed under subsection (a) shall, while so employed, be a member of the National Guard and hold the military grade specified by the Secretary concerned for that position.

“(c) The Secretary concerned shall designate the adjutants general referred to in section 314 of this title, to employ and administer the technicians authorized by this section.

70A Stat. 604.

“(d) A technician employed under subsection (a) is an employee of the Department of the Army or the Department of the Air Force, as the case may be, and an employee of the United States. However, a position authorized by this section is outside the competitive service if the technician employed therein is required under subsection (b) to be a member of the National Guard.

“(e) Notwithstanding any other provision of law and under regulations prescribed by the Secretary concerned—

“(1) a technician who is employed in a position in which National Guard membership is required as a condition of employment and who is separated from the National Guard or ceases to hold the military grade specified for his position by the Secretary concerned shall be promptly separated from his technician employment by the adjutant general of the jurisdiction concerned;

“(2) a technician who is employed in a position in which National Guard membership is required as a condition of employment and who fails to meet the military security standards established by the Secretary concerned for a member of a reserve component of the armed force under his jurisdiction may be sepa-

rated from his employment as a technician and concurrently discharged from the National Guard by the adjutant general of the jurisdiction concerned;

"(3) a technician may, at any time, be separated from his technician employment for cause by the adjutant general of the jurisdiction concerned;

"(4) a reduction in force, removal, or an adverse action involving discharge from technician employment, suspension, furlough without pay, or reduction in rank or compensation shall be accomplished by the adjutant general of the jurisdiction concerned;

"(5) a right of appeal which may exist with respect to clause (1), (2), (3), or (4) shall not extend beyond the adjutant general of the jurisdiction concerned; and

"(6) a technician shall be notified in writing of the termination of his employment as a technician and such notification shall be given at least thirty days prior to the termination date of such employment.

"(f) Sections 2108, 3502, 7511, and 7512 of title 5, United States Code, do not apply to any person employed under this section.

"(g) (1) Notwithstanding sections 5544(a) and 6102 of title 5, United States Code, or any other provision of law, the Secretary concerned may, in the case of technicians assigned to perform operational duties at air defense sites—

"(A) prescribe the hours of duties;

"(B) fix the rates of basic compensation; and

"(C) fix the rates of additional compensation;

to reflect unusual tours of duty, irregular additional duty, and work on days that are ordinarily nonworkdays. Additional compensation under this subsection may be fixed on an annual basis and is determined as an appropriate percentage, not in excess of 12 percent, of such part of the rate of basic pay for the position as does not exceed the minimum rate of basic pay for GS-10 of the General Schedule under section 5332 of title 5, United States Code.

"(2) Notwithstanding sections 5544(a) and 6102 of title 5, United States Code, or any other provision of law, the Secretary concerned may, for technicians other than those described in clause (1) of this subsection, prescribe the hours of duty for technicians. Notwithstanding sections 5542 and 5543 of title 5, United States Code, or any other provision of law, such technicians shall be granted an amount of compensatory time off from their scheduled tour of duty equal to the amount of any time spent by them in irregular or overtime work, and shall not be entitled to compensation for such work.

"(h) In no event shall the number of technicians employed under this section at any one time exceed 42,500."

(2) The analysis of chapter 7 is amended by striking out the following item:

"709. Caretakers and clerks."

and inserting in place thereof the following item:

"709. Technicians: employment, use, status."

(3) Section 715(a) is amended by striking out "caused by a person employed under section 709 of this title acting within the scope of his employment;".

SEC. 3. (a) A claim accrued under section 715 of title 32, United States Code, before the effective date of this Act by reason of the act or omission of a person employed under section 709 of title 32, United States Code, may, if otherwise allowable, be settled and paid under section 715 of title 32, United States Code.

80 Stat. 410-
528; 81 Stat. 196.

80 Stat. 486,
515; 81 Stat. 200,
641.

Compensatory
time.

80 Stat. 485;
81 Stat. 200.

Numerical limi-
tation.

74 Stat. 878.

Claims, savings
provision.

(b) Except as provided in this Act and in the amendments made by this Act, and notwithstanding any law, rule, regulation, or decision to the contrary, the positions of persons employed under section 709 of title 32, United States Code, existing on the day before the effective date of this Act, and the persons holding those positions on that day, shall, on and after that effective date, be considered to be positions in and employees of the Department of the Army or the Department of the Air Force, as the case may be, and employees of the United States to the same extent as other positions in and employees of the Department of the Army or the Department of the Air Force. Such positions shall be outside the competitive service, if, as a condition of employment, the persons employed therein were, on the day before the effective date of this Act, required to be members of the Army National Guard or the Air National Guard.

Technicians,
conversion to
Federal employee
status.

(c) All service under section 709 of title 32, United States Code, or prior corresponding provision of law, performed before the effective date of this Act shall be included and credited in the determination of length of service for the purposes of leave, Federal employees death and disability compensation, group life and health insurance, severance pay, tenure, and status. This subsection shall apply only in the case of persons who perform service under section 709 of title 32, United States Code, on or after the effective date of this Act.

Past service,
credit.

(d) Annual leave and sick leave to which a technician was entitled on the day before the conversion of his position, as provided in subsection (b) of this section, shall be credited to him in his new position.

Leave credit.

SEC. 4. Section 2105(a) of title 5, United States Code, is amended—

80 Stat. 409.

(1) by striking out “or” at the end of clause (1) (D);

(2) by adding “or” at the end of clause (1) (E); and

(3) by adding the following new subclause (F) at the end of clause (1):

“(F) the adjutants general designated by the Secretary concerned under section 709(c) of title 32, United States Code;”.

Ante, p. 755.

SEC. 5. (a) Section 8332(b) of title 5, United States Code, is amended—

Civil service
retirement.
80 Stat. 567.

(1) by striking out “and” at the end of clause (4);

(2) by striking out the period at the end of clause (5) and inserting in place thereof “; and”; and

(3) by adding the following new clause:

“(6) employment under section 709 of title 32, United States Code or any prior corresponding provision of law.”; and

(4) by adding at the end thereof the following:

“Service referred to in paragraph (6) is allowable only in the case of persons performing service under section 709 of title 32, United States Code, on or after the effective date of the National Guard Technicians Act of 1968.”

80 Stat. 570.

(b) Section 8334(c) of title 5, United States Code, is amended by adding at the end thereof the following: “Notwithstanding the foregoing provisions of this subsection, the deposit with respect to a period of service referred to in section 8332(b) (6) which was performed prior to the effective date of the National Guard Technicians Act of 1968 shall be an amount equal to 55 per centum of a deposit computed in accordance with such provisions.”

(c) Section 8339 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

80 Stat. 574.

“(1) In determining service for the purpose of computing an annuity under each paragraph of this section, 45 per centum of each year, or fraction thereof, of service referred to in section 8332(b) (6) which was performed prior to the effective date of the National Guard Technicians Act of 1968 shall be disregarded.”

(d) Clause (4) of subsection (a) of this section and subsections (b) and (c) of this section do not apply to any person employed prior to the effective date of this Act under section 709 of title 32, United States Code, whose employment under that section was covered by subchapter III of chapter 83 of title 5, United States Code.

80 Stat. 564.
5 USC 8331-
8348.
State retirement
system, election.

SEC. 6. (a) Notwithstanding section 709(d) of title 32, United States Code, a person who, on the date of enactment of this Act, is employed under section 709 of title 32, United States Code, and is covered by an employee retirement system of, or plan sponsored by, a State or the Commonwealth of Puerto Rico, may elect, not later than the effective date of this Act, not to be covered by subchapter III of chapter 83 of title 5, United States Code, and with the consent of the State concerned or Commonwealth of Puerto Rico, to remain covered by the employee retirement system of, or plan sponsored by, that State or the Commonwealth of Puerto Rico. Unless such an election, together with a statement of approval by the State concerned or the Commonwealth of Puerto Rico, is filed with the Secretary of the Army or the Secretary of the Air Force, as appropriate, on or before the effective date of this Act, the person concerned is covered by subchapter III of chapter 83 of title 5, United States Code, as of that date.

Reemployed
technicians, elec-
tion.

(b) A member of the National Guard of a State or the Commonwealth of Puerto Rico who was employed as a technician under section 709 of title 32, United States Code, or prior corresponding provision of law, who—

(1) was involuntarily ordered to active duty after January 1, 1968, from that employment and has not been released from that duty prior to the effective date of this Act; or

70A Stat. 11,
159, 491.

(2) is on active duty under section 265, 3015, 3033, 3496, 8033 or 8496 of title 10, United States Code, on the effective date of this Act;

Ante, p. 755.

and was covered by a retirement system or plan of a State or the Commonwealth of Puerto Rico, may, if he is reemployed within sixty days under section 709 of title 32, United States Code, make the election described in subsection (a) of this section, within thirty days following the date of his reemployment.

79 Stat. 396;
81 Stat. 836, 837.

(c) In the case of any person who files a valid election under this section to remain covered by an employee retirement system of, or plan sponsored by, a State or the Commonwealth of Puerto Rico, the United States may pay the amount of the employer's contributions to that system or plan that become due for periods beginning on or after the effective date of this Act. However, the payment by the United States, including any contribution that may be made by the United States toward the employer's tax imposed by section 3111 of the Internal Revenue Code of 1954, as amended (26 U.S.C. 3111), may not exceed the amount which the employing agency would otherwise contribute on behalf of the person to the Civil Service Retirement and Disability Fund under section 8334(a) of title 5, United States Code. Notwithstanding section 8332(b) of title 5, United States Code, as amended by section 5 of this Act, the service under section 709 of title 32, United States Code, or prior corresponding provision of law, of a person who has made an election to remain covered by the employee retirement system of, or plan sponsored by, a State or the Commonwealth of Puerto Rico, shall not be creditable toward eligibility for or amount of annuity under subchapter III of chapter 83 of title 5, United States Code. A person who retires pursuant to his valid election shall not be eligible for any rights, benefits, or privileges to which retired civilian employees of the United States may be entitled.

80 Stat. 569.

Ante, p. 757.

SEC. 7. The fourth sentence of section 218(b)(5) of the Social Security Act, as amended (42 U.S.C. 418(b)(5)), is amended to read as follows: "Persons employed under section 709 of title 32, United States Code, who elected under section 6 of the National Guard Technicians Act of 1968 to remain covered by an employee retirement system of, or plan sponsored by, a State or the Commonwealth of Puerto Rico, shall, for the purposes of this Act, be employees of the State or the Commonwealth of Puerto Rico and (notwithstanding the preceding provisions of this paragraph), shall be deemed to be a separate coverage group."

Social security
payments.
64 Stat. 514;
68 Stat. 1059.

SEC. 8. (a) Except as provided in section 709(g) of title 32, United States Code, the Secretary concerned shall fix the rate of basic compensation of positions existing on the date of enactment of this Act in accordance with the General Schedule set forth in section 5332, or under the appropriate prevailing rate schedule in accordance with section 5341 of title 5, United States Code, as applicable. In fixing such rate—

Compensation
rates, conversion.
Ante, p. 756.

80 Stat. 471;
81 Stat. 220;
Post, p. 997.

(1) If the technician is receiving a rate of basic compensation which is less than the minimum rate of the appropriate grade of the General Schedule, or which is less than the minimum rate of the appropriate grade or compensation level of the appropriate prevailing rate schedule, as applicable, in which his position is placed, his basic compensation shall be increased to that minimum rate.

(2) If the technician is receiving a rate of basic compensation which is equal to a rate of the appropriate grade of the General Schedule, or which is equal to a rate of the appropriate grade or compensation level under the appropriate prevailing rate schedule, as applicable, in which his position is placed, he shall receive basic compensation at that rate of the General Schedule, or at that rate under the prevailing rate schedule, as applicable.

(3) If the technician is receiving a rate of basic compensation which is between two rates of the appropriate grade of the General Schedule, or which is between two rates of the appropriate grade or compensation level under the appropriate prevailing rate schedule, as applicable, in which his position is placed, he shall receive basic compensation at the higher of those two rates under the General Schedule or appropriate prevailing rate schedule, as applicable.

(4) If the technician is receiving a rate of basic compensation which is in excess of the maximum rate of the appropriate grade of the General Schedule, or which is in excess of the maximum rate of the appropriate grade or compensation level of the appropriate prevailing rate schedule, as applicable, in which his position is placed, he shall continue to receive basic compensation without change in rate until—

(A) he leaves that position, or

(B) he is entitled to receive basic compensation at a higher rate,

but, when any such position becomes vacant, the rate of basic compensation of any subsequent appointee thereto shall be fixed in the manner provided by applicable law and regulation.

(b) The conversion of positions and employees to appropriate grades of the General Schedule set forth in section 5332 of title 5, United States Code, and the initial adjustment of rates of basic compensation of those positions and technicians, provided for by this Act,

80 Stat. 471.

shall not be considered to be transfers or promotions within the meaning of section 5334(b) of title 5, United States Code, and the regulations issued thereunder.

(c) Each technician on the effective date of this Act whose position is converted to the General Schedule set forth in section 5332 of title 5, United States Code, or to the appropriate prevailing rate schedule, as applicable, who prior to the initial adjustment of his rate of basic compensation under subsection (a) of this section, has earned, but has not been credited with, an increase in that rate, shall be granted credit for such increase before his rate of basic compensation is initially adjusted under that subsection.

(d) Each technician on the effective date of this Act whose position is converted to the General Schedule set forth in section 5332 of title 5, United States Code, or to the appropriate prevailing rate schedule, as applicable, shall be granted credit, for purposes of his first step increase under the General Schedule or prevailing rate schedule, for all satisfactory service performed by him since his last increase in compensation prior to the initial adjustment of his rate of basic compensation under subsection (a) of this section.

(e) An increase in rate of basic compensation by reason of the enactment of subsection (a) of this section shall not be considered to be an equivalent increase with respect to step increases for technicians whose positions are converted to the General Schedule set forth in section 5332 of title 5, United States Code, or the appropriate prevailing rate schedule under authority of this section.

Army National
Guard.
72 Stat. 1485,
1486.

SEC. 9. Title 10, United States Code, is amended as follows:

(1) Sections 3848(c) and 3851(c) are each amended to read as follows:

“(c) Notwithstanding subsections (a) and (b) of this section, the Secretary of the Army may authorize the retention in an active status until age 60 of any officer of the Army National Guard of the United States who would otherwise be removed from an active status under this section and who—

“(1) is assigned to a headquarters or headquarters detachment of a State or territory, the Commonwealth of Puerto Rico, the Canal Zone, or the District of Columbia; or

“(2) is employed as a technician under section 709 of title 32, United States Code, in a position for which Army National Guard membership is prescribed by the Secretary.”

Air National
Guard.
72 Stat. 1537;
74 Stat. 279, 280.

(2) Sections 8848 and 8851 are each amended by adding the following new subsection:

“(c) Notwithstanding subsections (a) and (b) of this section, the Secretary of the Air Force may authorize the retention in an active status until age 60 of any officer of the Air National Guard of the United States who would otherwise be removed from an active status under this section and who is employed as a technician under section 709 of title 32, United States Code, in a position for which Air National Guard membership is prescribed by the Secretary.”

Regulations.

SEC. 10. Regulations prescribed by the Secretary of the Army and Secretary of the Air Force under this Act shall be approved by the Secretary of Defense and shall, so far as practicable, be uniform.

Effective date.

SEC. 11. This Act becomes effective January 1, 1969, except that no deductions or withholding from salary which result therefrom shall commence before the first day of the first pay period that begins on or after January 1, 1969.

Approved August 13, 1968.

Public Law 90-487

AN ACT

To provide for United States standards and a national inspection system for grain, and for other purposes.

August 15, 1968

[H. R. 15794]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Grain Standards Act, consisting of part B of "An Act Making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and for other purposes", approved August 11, 1916 (39 Stat. 446, at 482), as amended (7 U.S.C. 71-87), is hereby amended to read as follows:

United States
Grain Standards
Act.

"SHORT TITLE

"SECTION 1. This Act may be cited as the 'United States Grain Standards Act'.

"DECLARATION OF POLICY

"SEC. 2. Grain is an essential source of the world's total supply of human food and animal feed and is merchandised in interstate and foreign commerce. It is declared to be the policy of the Congress, for the promotion and protection of such commerce in the interests of producers, merchandisers, warehousemen, processors, and consumers of grain, and the general welfare of the people of the United States, to provide for the establishment of official United States standards for grain, to promote the uniform application thereof by official inspection personnel, and to provide for an official inspection system for grain: with the objectives that grain may be marketed in an orderly manner and that trading in grain may be facilitated.

"DEFINITIONS

"SEC. 3. When used in this Act, except where the context requires otherwise—

"(a) the term 'Secretary' means the Secretary of Agriculture of the United States or his delegates;

"(b) the term 'Department of Agriculture' means the United States Department of Agriculture;

"(c) the term 'person' means any individual, partnership, corporation, association, or other business entity;

"(d) the term 'United States' means the States (including Puerto Rico) and the territories and possessions of the United States (including the District of Columbia);

"(e) the term 'State' means any one of the States (including Puerto Rico) or territories or possessions of the United States (including the District of Columbia);

"(f) the term 'interstate or foreign commerce' means commerce from any State to or through any other State, or to or through any foreign country;

"(g) the term 'grain' means corn, wheat, rye, oats, barley, flaxseed, grain sorghum, soybeans, mixed grain, and any other food grains, feed grains, and oilseeds for which standards are established under section 4 of this Act;

"(h) the term 'export grain' means grain for shipment from the United States to any place outside thereof;

"(i) the term 'official inspection' means the determination and the certification, by official inspection personnel, of the kind, class, quality, or condition of grain, under standards provided for in this Act; or, upon request of the interested person applying for

inspection, the quantity of sacks of grain, or other facts relating to grain under other criteria approved by the Secretary under this Act (the term 'officially inspected' shall be construed accordingly);

"(j) the term 'official inspection personnel' means employees of State or other governmental agencies or commercial agencies or other persons who are licensed to perform all or specified functions involved in official inspection under this Act; employees of the Department of Agriculture who are authorized to supervise official inspection and to conduct appeal inspection or initial inspection of United States grain in Canadian ports;

"(k) the term 'official inspection mark' means any symbol prescribed by regulations of the Secretary to show the official determination of an official inspection;

"(l) the term 'official grade designation' means a numerical or sample grade designation, specified in the standards provided for in this Act;

"(m) the term 'official inspection agency' means the agency or person located at an inspection point designated by the Secretary for the conduct of official inspection under this Act;

"(n) the terms 'official certificate' and 'official form' mean, respectively, a certificate or other form prescribed by regulations of the Secretary under this Act;

"(o) the term 'official sample' means a sample obtained from a lot of grain by, and submitted for official inspection by, official inspection personnel (the term 'official sampling' shall be construed accordingly);

"(p) the term 'submitted sample' means a sample submitted by or for an interested person for official inspection, other than an official sample;

"(q) the term 'lot' means a specific quantity of grain identified as such;

"(r) the term 'interested person' means any person having a contract or other financial interest in grain as the owner, seller, purchaser, warehouseman, or carrier, or otherwise;

"(s) the verb 'ship' with respect to grain means transfer physical possession of the grain to another person for the purpose of transportation by any means of conveyance, or transport one's own grain by any means of conveyance;

"(t) the terms 'false', 'incorrect', and 'misleading' mean, respectively, false, incorrect, and misleading in any particular;

"(u) the term 'deceptive loading, handling, or sampling' means any manner of loading, handling, or sampling that deceives or tends to deceive official inspection personnel, as specified by regulations of the Secretary under this Act.

"STANDARDS

"SEC. 4. (a) The Secretary is authorized to investigate the handling, grading, and transportation of grain and to fix and establish standards of kind, class, quality, and condition for corn, wheat, rye, oats, barley, flaxseed, grain sorghum, soybeans, mixed grain, and such other grains as in his judgment the usages of the trade may warrant and permit, and the Secretary is authorized to amend or revoke such standards whenever the necessities of the trade may require.

"(b) Before establishing, amending, or revoking any standards under this Act, the Secretary shall publish notice of the proposal and give interested persons opportunity to submit data, views, and arguments thereon and, upon request, an opportunity to present data, views, and arguments orally in an informal manner. No standards established or amendments or revocations of standards under this Act shall become

effective less than one calendar year after promulgation thereof, unless in the judgment of the Secretary, the public health, interest, or safety require that they become effective sooner.

“OFFICIAL INSPECTION REQUIREMENTS FOR CERTAIN EXPORT GRAIN

“SEC. 5. Whenever standards are effective under section 4 of this Act for any grain, no person shall ship from the United States to any place outside thereof any lot of such grain that is sold, offered for sale, or consigned for sale by grade, unless such lot is officially inspected in accordance with such standards on the basis of official samples taken after final elevation as the grain is being loaded aboard, or while it is in, the final carrier in which it is to be transported from the United States, and unless a valid official certificate showing the official grade designation of the lot of grain is promptly furnished by the shipper, or his agent, to the consignee with the bill of lading or other shipping documents covering the shipment: *Provided, however,* That the Secretary may waive any requirement of this section with respect to shipments from or to any area or any other class of shipments when in his judgment it is impracticable to provide official inspection with respect to such shipments.

Waiver authority.

“REQUIRED USE OF OFFICIAL GRADE DESIGNATIONS AND PROHIBITION OF CERTAIN ACTS WITH RESPECT TO CERTAIN GRAIN

“SEC. 6. (a) Whenever standards are effective under section 4 of this Act for any grain no person shall in any sale, offer for sale, or consignment for sale, which involves the shipment of such grain in interstate or foreign commerce, describe such grain as being of any grade in any advertising, price quotation, other negotiation of sale, contract of sale, invoice, bill of lading, other document, or description on bags or other containers of the grain, other than by an official grade designation, with or without additional information as to specified factors: *Provided,* That the description of such grain by any proprietary brand name or trademark that does not resemble an official grade designation, or with respect to interstate commerce, by the use of one or more grade factor designations set forth in the official United States standards for grain, or by other factor information shall not be deemed to be a description of grain as being of any grade.

“(b) No person shall, in any sale, offer for sale, or consignment for sale, of any grain which involves the shipment of such grain from the United States to any place outside thereof, knowingly describe such grain by any official grade designation, or other description, which is false or misleading.

“OFFICIAL INSPECTION AUTHORITY AND FUNDING

“SEC. 7. (a) The Secretary is authorized to cause official inspection under the standards provided for in section 4 of this Act to be made of all grain required to be officially inspected as provided in section 5 of this Act, in accordance with such regulations as he may prescribe.

“(b) The Secretary is further authorized, upon request of any interested person, and under such regulations as he may prescribe, to cause official inspection to be made with respect to any grain whether by official sample, submitted sample, or otherwise within the United States or with respect to United States grain in Canadian ports under standards provided for in section 4 of this Act, or, upon request of the interested person, under other criteria approved by the Secretary for determining the kind, class, quality, or condition of grain, or quantity of sacks of grain, or other facts relating to grain, whenever in his

judgment providing such service will effectuate any of the objectives stated in section 2 of this Act.

Reinspections
and appeal inspec-
tions.

“(c) The regulations prescribed by the Secretary under this Act shall include provisions for reinspections and appeal inspections; cancellation of certificates superseded by reinspections and appeal inspections. The Secretary may provide by regulation that samples obtained by or for employees of the Department of Agriculture for purposes of official inspection shall become the property of the United States, and such samples may be disposed of without regard to the provisions of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.).

63 Stat. 377.

“(d) Certificates issued and not canceled under this Act shall be received by all officers and all courts of the United States as prima facie evidence of the truth of the facts stated therein.

Fees.

“(e) The Secretary may, under such regulations as he may prescribe, charge and collect reasonable fees to cover the estimated total cost of official inspection except when the inspection is performed by employees of an official inspection agency. The fees authorized by this paragraph shall, as nearly as practicable and after taking into consideration any proceeds from the sale of samples, cover the costs of the Department of Agriculture incident to the performance of appeal and Canadian port inspection services for which the fees are collected, including supervisory and administrative costs. Such fees, and the proceeds from the sale of samples obtained for purposes of official inspection which become the property of the United States, shall be deposited into a fund which shall be available without fiscal year limitation for the expenses of the Department of Agriculture incident to providing official inspection services.

“(f) Not more than one inspection agency for carrying out the provisions of this section shall be operative at one time for any one city, town, or other area, but this subsection shall not be applicable to prevent any inspection agency from operating in any area in which it was operative on the date of enactment of this subsection.

“LICENSES AND AUTHORIZATIONS

“SEC. 8. (a) The Secretary is authorized to issue a license to any individual upon presentation to him of satisfactory evidence that such individual is competent, and is employed by an official inspection agency to perform all or specified functions involved in official inspection; to authorize any competent employee of the Department of Agriculture to perform all or specified functions involved in supervisory or appeal inspection or initial inspection of United States grain in Canadian ports; and to license any other competent individual to perform specified functions involved in official inspection under a contract with the Department of Agriculture. No person shall perform any official inspection functions for purposes of this Act unless he holds an unsuspended and unrevoked license or authorization from the Secretary under this Act.

Licenses, termi-
nation and suspen-
sion.

“(b) All classes of licenses issued under this Act shall terminate triennially on a date or dates to be fixed by regulation of the Secretary: *Provided*, That any license shall be suspended automatically when the licensee ceases to be employed by an official inspection agency or to operate independently under the terms of a contract for the conduct of any functions involved in official inspection under this Act: *Provided further*, That subject to paragraph (c) of this section, such license shall be reinstated if the licensee is employed by an official inspection agency or resumes operation under such a contract within one year of the suspension date and the license has not expired in the interim.

“(c) The Secretary may require such examinations and reexaminations as he may deem warranted to determine the competence of any applicants for licenses, licensees, or employees of the Department of Agriculture, to perform any official inspection function under this Act.

Applicants, examination.

“(d) Persons employed by an official inspection agency and persons performing official inspection functions under contracts with the Department of Agriculture shall not, unless otherwise employed by the Federal Government, be deemed to be employees of the Federal Government of the United States.

“REFUSAL OF RENEWAL, OR SUSPENSION OR REVOCATION, OF LICENSES

“SEC. 9. The Secretary may refuse to renew, or may suspend or revoke, any license issued under this Act whenever, after the licensee has been afforded an opportunity for a hearing, the Secretary shall determine that such licensee is incompetent, or has inspected grain for purposes of this Act by any standard or criteria other than as provided for in this Act, or has issued, or caused the issuance of, any false or incorrect official certificate or other official form, or has knowingly or carelessly inspected grain improperly under this Act, or has accepted any money or other consideration, directly or indirectly, for any neglect or improper performance of duty, or has used his license or allowed it to be used for any improper purpose, or has otherwise violated any provision of this Act or of the regulations prescribed or instructions issued to him by the Secretary under this Act. The Secretary may, without first affording the licensee an opportunity for a hearing, suspend any license temporarily pending final determination whenever the Secretary deems such action to be in the best interests of the official inspection system under this Act.

“REFUSAL OF OFFICIAL INSPECTION

“SEC. 10. (a) The Secretary may (for such period, or indefinitely, as he deems necessary to effectuate the purposes of this Act) refuse to provide official inspection otherwise available under this Act with respect to any grain offered for inspection, or owned, wholly or in part, by any person if he determines (1) that the individual (or in case such person is a partnership, any general partner; or in case such person is a corporation, any officer, director, or holder or owner of more than 10 per centum of the voting stock; or in case such person is an unincorporated association or other business entity, any officer or director thereof) has been convicted of any violation of section 13 of this Act, or that official inspection has been refused for any of the above-specified causes (for a period which has not expired) to such person, or any other person conducting a business with which the former was, at the time such cause existed, or is responsibly connected; and (2) that providing official inspection with respect to such grain would be inimical to the integrity of the official inspection service.

“(b) For purposes of paragraph (a) of this section, a person shall be deemed to be responsibly connected with a business if he was or is a partner, officer, director, or holder or owner of 10 per centum or more of its voting stock, or an employee in a managerial or executive capacity.

“(c) Before official inspection is refused to any person under paragraph (a), such person shall be afforded opportunity for a hearing.

Hearing.

"PROHIBITION ON CERTAIN CONFLICTS OF INTEREST

"SEC. 11. No person licensed or authorized by the Secretary to perform any official inspection function under this Act, or employed by the Secretary in otherwise carrying out any of the provisions of this Act, shall, during the term of such license, authorization, or employment, (a) be financially interested (directly or otherwise) in any business entity owning or operating any grain elevator or warehouse or engaged in the merchandising of grain, or (b) be in the employment of, or accept gratuities from, any such entity, or (c) be engaged in any other kind of activity specified by regulation of the Secretary as involving a conflict of interest: *Provided, however,* That the Secretary may license qualified employees of any grain elevators or warehouses to perform official sampling functions, under such conditions as the Secretary may by regulation prescribe, and the Secretary may by regulation provide such other exceptions to the restrictions of this section as he determines are consistent with the purposes of this Act.

Sampling func-
tions.

"RECORDS

Requirements.

"SEC. 12. (a) Every official inspection agency and every person licensed to perform any official inspection function under this Act shall maintain such samples of officially inspected grain and such other records as the Secretary may by regulation prescribe for the purpose of administration and enforcement of this Act.

"(b) Every official inspection agency required to maintain records under this section shall keep such records for a period of two years after the inspection or transaction, which is the subject of the record, occurred: *Provided, however,* That grain samples shall be required to be maintained only for such period not in excess of ninety days as the Secretary, after consultation with the grain trade and taking into account the needs and circumstances of local markets, shall prescribe; and in specific cases other records may be required by the Secretary to be maintained for not more than three years in addition to said two-year period whenever in his judgment the retention of such records for the longer period is necessary for the effective administration and enforcement of this Act.

Access to rec-
ords.

"(c) Every official inspection agency required to maintain records under this section shall permit any authorized representative of the Secretary to have access to, and to copy, such records at all reasonable times.

"PROHIBITED ACTS

SEC. 13. (a) No person shall—

"(1) knowingly falsely make, issue, alter, forge, or counterfeit any official certificate or other official form or official inspection mark;

"(2) knowingly utter, publish, or use as true any falsely made, issued, altered, forged, or counterfeited official certificate or other official form or official inspection mark, or knowingly possess, without promptly notifying the Secretary or his representative, or fail to surrender to such a representative upon demand, any falsely made, issued, altered, forged, or counterfeited official inspection certificate or other official form, or any device for making any official inspection mark or simulation thereof, or knowingly possess any grain in a container bearing any falsely made, issued, altered, forged, or counterfeited official inspection mark without promptly giving such notice;

"(3) knowingly cause or attempt (whether successfully or not) to cause the issuance of a false or incorrect official certificate or other official form by any means, including but not limited to deceptive loading, handling, or sampling of grain, or submitting grain for official inspection knowing that it has been deceptively loaded, handled, or sampled, without disclosing such knowledge to the official inspection personnel before official sampling;

"(4) alter any official sample of grain in any manner or, knowing that an official sample has been altered, thereafter represent it as an official sample;

"(5) knowingly use any official grade designation or official inspection mark on any container of grain by means of a tag, label, or otherwise, unless the grain in such container was officially inspected on the basis of an official sample taken while the grain was being loaded into or was in such container and the grain was found to qualify for such designation or mark;

"(6) knowingly make any false representation that any grain has been officially inspected, or officially inspected and found to be of a particular kind, class, quality, condition, or quantity, or that particular facts have been established with respect to grain by official inspection under this Act;

"(7) improperly influence, or attempt to improperly influence, any official inspection personnel or any officer or employee of the Department of Agriculture with respect to the performance of his duties under this Act;

"(8) forcibly assault, resist, oppose, impede, intimidate, or interfere with any official inspection personnel or any officer or employee of the Department of Agriculture in, or on account of, the performance of his duties under this Act;

"(9) falsely represent that he is licensed or authorized to perform an official inspection function under this Act;

"(10) use any false or misleading means in connection with the making or filing of an application for official inspection; or

"(11) violate any provision of section 5, 6, 8, 11, or 12 of this Act.

"(b) No person licensed or authorized to perform any function under this Act shall—

"(1) commit any offense prohibited by subsection (a);

"(2) knowingly perform improperly any official sampling or other official inspection function under this Act;

"(3) knowingly execute or issue any false or incorrect official certificate or other official form; or

"(4) accept money or other consideration, directly or indirectly, for any neglect or improper performance of duty.

"(c) An offense shall be deemed to have been committed knowingly under this Act if it resulted from gross negligence or was committed with knowledge of the pertinent facts.

"PENALTIES

"SEC. 14. (a) Any person who commits any offense prohibited by section 13 shall be guilty of a misdemeanor and shall, on conviction thereof, be subject to imprisonment for not more than six months, a fine of not more than \$3,000 or both such imprisonment and fine; but if such offense is committed after one conviction of such person under this section has become final, such person shall be subject to imprison-

ment for not more than one year, or a fine of not more than \$5,000, or both such imprisonment and fine.

“(b) Nothing in this Act shall be construed as requiring the Secretary to report minor violations of this Act for criminal prosecution whenever he believes that the public interest will be adequately served by a suitable written notice or warning.

“RESPONSIBILITY FOR ACTS OF OTHERS

“SEC. 15. When construing and enforcing the provisions of this Act, the act, omission, or failure of any official, agent, or other person acting for or employed by any association, partnership, or corporation within the scope of his employment or office shall, in every case, also be deemed the act, omission, or failure of such association, partnership, or corporation as well as that of the person.

“GENERAL AUTHORITIES

“SEC. 16. The Secretary is authorized to conduct such investigations, hold such hearings, require such reports from any official inspection agency or any person, and prescribe such rules and regulations as he deems necessary to effectuate the purposes or provisions of this Act. Whether any certificate, other form, representation, designation, or other description is false, incorrect, or misleading within the meaning of this Act shall be determined by tests made in accordance with such procedures as the Secretary may adopt to effectuate the objectives of this Act, if the relevant facts are determinable by such tests. Proceedings under section 9 or 10 of this Act for refusal to renew, or for suspension or revocation of, a license, or for refusal of official inspection service not required by section 5 of this Act, shall not, unless requested by the respondent, be subject to the administrative procedure provisions in sections 554, 556, and 557 of title 5, United States Code.

80 Stat. 384.

“ENFORCEMENT PROVISIONS

Subpena power.

“SEC. 17. (a) For the purposes of this Act, the Secretary shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documentary evidence of any person with respect to whom such authority is exercised; and the Secretary shall have power to require by subpena the attendance and testimony of witnesses and the production of all such documentary evidence relating to any matter under investigation, and may administer oaths and affirmations, examine witnesses, and receive evidence.

“(b) Such attendance of witnesses, and the production of such documentary evidence, may be required from any place in the United States, at any designated place of hearing. In case of disobedience to a subpena the Secretary may invoke the aid of any court designated in paragraph (h) of this section in requiring the attendance and testimony of witnesses and the production of documentary evidence.

“(c) Any such court within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpena issued to any person, issue an order requiring such person to appear before the Secretary or to produce documentary evidence if so ordered, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

“(d) Witnesses summoned before the Secretary shall be paid the same fees and mileage that are paid witnesses in the courts of the

Witnesses, court order requiring attendance and testimony.

Fees and mileage costs.

United States, and witnesses from whom depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

“(e) Any person who shall neglect or refuse to attend and testify, or to answer any lawful inquiry, or to produce documentary evidence, if in his power to do so, in obedience to the subpoena or lawful requirement of the Secretary, shall be guilty of a misdemeanor, and upon conviction thereof be subject to the penalties set forth in section 14 of this Act.

“(f) No person shall be excused from attending and testifying or from producing documentary evidence before the Secretary, or in obedience to the subpoena of the Secretary, or in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of this Act, or of any amendments thereto, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

Refusal to
testify, prohibi-
tion.

“(g) Any officer or employee of the Department of Agriculture who shall make public any information obtained under this Act by the Department of Agriculture, without its authority, unless directed by the court, shall be guilty of a misdemeanor, and upon conviction thereof be subject to the penalties set forth in section 14 of this Act.

Information, un-
lawful disclosure;
penalty.

“(h) The United States district courts, the District Court of Guam, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States courts of the other territories and possessions of the United States shall have jurisdiction in cases arising under this Act.

“RELATION TO STATE AND LOCAL LAWS; SEPARABILITY OF PROVISIONS

“SEC. 18. (a) No State or subdivision thereof may require the inspection or description in accordance with any standards of kind, class, quality, condition, or other characteristics of grain as a condition of shipment, or sale, of such grain in interstate or foreign commerce, or require any license for, or impose any other restrictions upon, the performance of any official inspection function under this Act by official inspection personnel. Otherwise nothing in this Act shall invalidate any law or other provision of any State or subdivision thereof in the absence of a conflict with this Act.

“(b) If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

“APPROPRIATIONS

“SEC. 19. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act to the extent that financing is not obtained from the fees and sale of samples as provided for in section 7 of this Act.”

EFFECTIVE DATE

SEC. 2. This Act shall become effective one hundred and eighty days after enactment hereof, except that the repeal of the mandatory inspection provisions with respect to grain shipped or delivered for shipment in interstate commerce shall become effective thirty days after enactment hereof and the provisions of sections 6(a) and 13(a) (5) of the United States Grain Standards Act, as amended by this Act shall then become effective with respect to such grain.

Approved August 15, 1968.

Public Law 90-488

August 15, 1968
[S. 1504]

AN ACT

To amend the Consolidated Farmers Home Administration Act of 1961, as amended, to provide for loans for enterprises to supplement farm income and for farm conversion to recreation, remove the annual ceiling on insured loans, increase the amount of unsold insured loans that may be made out of the fund, raise the aggregate annual limits on grants, establish a flexible loan interest rate, and for other purposes.

Consolidated
Farmers Home
Administration
Act of 1961,
amendment.

75 Stat. 307.
7 USC 1923.

7 USC 1924.

7 USC 1922.

79 Stat. 931.
7 USC 1926.

7 USC 1928.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Consolidated Farmers Home Administration Act of 1961, as amended, is further amended as follows:

The first sentence of section 303 is amended to read as follows: "Loans may be made or insured under this subtitle for (1) acquiring, enlarging, or improving farms, including farm buildings, land and water development, use and conservation, (2) recreational uses and facilities, (3) enterprises needed to supplement farm income, (4) refinancing existing indebtedness, and (5) loan closing costs."

SEC. 2. Section 304 is amended by inserting "(a)" after "subtitle", and by changing the period at the end of the section to a comma and adding the following: "not including recreational uses and facilities, and (b) without regard to the requirements of sections 302 (2) and (3), to individual farmowners or tenants to finance outdoor recreational enterprises or to convert to recreational uses their farming or ranching operations, including those heretofore financed under this title."

SEC. 3. Section 306(a) (2) is amended by changing "\$50,000,000" to "\$100,000,000".

SEC. 4. The last sentence of section 306(a) (3) is amended by changing "1968" to "1971".

SEC. 5. Section 306(a) (6) is amended by changing "\$5,000,000" to "\$15,000,000".

SEC. 6. Section 308 is amended by striking the word "Loans" from the beginning of the first sentence and inserting in lieu thereof "Until October 1, 1971, loans" and by striking the comma after the word "Secretary" and the phrase "aggregating not more than \$450,000,000 in any one year."

SEC. 7. Section 309(f) is amended by changing "\$50,000,000" to "\$100,000,000".

7 USC 1929.

SEC. 8. Section 312 is amended by (a) revising subsection (4) to read as follows: "(4) financing land and water development, use, and conservation,"; (b) inserting new items (5) and (6) to read as follows: "(5) without regard to the requirements of section 311 (2) and (3), to individual farmers or ranchers to finance outdoor recreational enterprises or to convert to recreational uses their farming or ranching operations, including those heretofore financed under this title, (6) enterprises needed to supplement farm income,"; and (c) by renumbering the present items "(5), (6), and (7)" to "(7), (8), and (9)".

7 USC 1942.

7 USC 1941.

SEC. 9. Section 313 is amended by changing the colon after "\$35,000" to a comma, and by striking the proviso in item (1).

7 USC 1943.

SEC. 10. Section 316 is amended by (a) striking from the first sentence "at an interest rate not to exceed 5 per centum per annum," and (b) adding at the end of the section the following: "Loans made under this subtitle shall bear interest at a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 per centum, plus not to exceed 1 per centum per annum as determined by the Secretary."

Interest rates.
7 USC 1946.

SEC. 11. Section 331 is amended by adding a new subsection (f) at the end thereof to read as follows:

Valueless liens.
7 USC 1981.

"(f) Release mortgage and other contract liens if it appears that they have no present or prospective value or that their enforcement likely would be ineffectual or uneconomical."

SEC. 12. Section 333(b) of the Consolidated Farmers Home Administration Act of 1961 is amended by striking the word "farming".

7 USC 1983.

Approved August 15, 1968.

Public Law 90-489

AN ACT

To amend the Public Health Service Act to provide for the establishment of a National Eye Institute in the National Institutes of Health.

August 16, 1968
[H. R. 12843]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title IV of the Public Health Service Act (42 U.S.C., ch. 6A, subch. III) is amended by adding at the end thereof the following new part:

National Eye In-
stitute.
Establishment.
58 Stat. 707;
76 Stat. 1072.
42 USC 281-
289h.

"PART F—NATIONAL EYE INSTITUTE

"ESTABLISHMENT OF NATIONAL EYE INSTITUTE

"SEC. 451. The Secretary is authorized to establish in the Public Health Service an institute for the conduct and support of research for new treatment and cures and training relating to blinding eye diseases and visual disorders, including research and training in the special health problems and requirements of the blind and in the basic

and clinical sciences relating to the mechanism of the visual function and preservation of sight. The Secretary is also authorized to plan for research and training, especially against the main causes of blindness and loss of visual function.

“ESTABLISHMENT OF ADVISORY COUNCIL

“SEC. 452. (a) The Secretary is authorized to establish an advisory council to advise, consult with, and make recommendations to him on matters relating to the activities of the National Eye Institute.

64 Stat. 444.
42 USC 289b.

“(b) The provisions relating to the composition, terms of office of members, and reappointment of members of advisory councils under section 432(a) shall be applicable to the council established under this section, except that the Secretary may include on such council established under this section such additional ex officio members as he deems necessary.

“(c) Upon appointment of such council, it shall assume all or such part as the Secretary may specify of the duties, functions, and powers of the National Advisory Health Council relating to the research or training projects with which such council established under this part is concerned and such portion as the Secretary may specify of the duties, functions, and powers of any other advisory council established under this Act relating to such projects.

“FUNCTIONS

Research.
42 USC 241.

“SEC. 453. The Secretary shall, through the National Eye Institute established under this part, carry out the purposes of section 301 with respect to the conduct and support of research with respect to blinding eye diseases and visual disorders associated with general health and well-being, including the special health problems and requirements of the blind and the mechanism of sight and visual function, except that the Secretary shall determine the areas in which and the extent to which he will carry out such purposes of section 301 through such Institute or an institute established by or under other provisions of this Act, or both of them, when both such institutes have functions with respect to the same subject matter. The Secretary is also authorized to provide training and instruction and establish and maintain traineeships and fellowships, in the National Eye Institute and elsewhere in matters relating to diagnosis, prevention, and treatment of blinding eye diseases and visual disorders with such stipends and allowances (including travel and subsistence expenses) for trainees and fellows as he deems necessary, and, in addition, provide for such training, instruction, and traineeships and for such fellowships through grants to public or other nonprofit institutions.”

Training and instruction; fellowships, grants, etc.

“Institute for Neurological Diseases.”
Post, p. 1362.
42 USC 289a.

The name of the institute for neurological diseases and blindness is hereby changed to “the Institute for Neurological Diseases.”

Approved August 16, 1968.

Public Law 90-490

AN ACT

August 16, 1968
[S. 3095]

To amend the Public Health Service Act to extend and improve the programs relating to the training of nursing and other health professions and allied health professions personnel, the program relating to student aid for such personnel, and the program relating to health research facilities, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Health Manpower Act of 1968”.

Health Man-
power Act of
1968.

SEC. 2. As used in the amendments made by this Act, the term “Secretary”, unless the context otherwise requires, means the Secretary of Health, Education, and Welfare.

TITLE I—HEALTH PROFESSIONS TRAINING

PART A—CONSTRUCTION GRANTS

EXTENSION OF CONSTRUCTION AUTHORIZATIONS

SEC. 101. (a) Section 720 of the Public Health Service Act (42 U.S.C. 293) is amended by inserting after and below clause (3) of the first sentence thereof the following new sentence: “For such grants there are also authorized to be appropriated \$170,000,000 for the fiscal year ending June 30, 1970, and \$225,000,000 for the next fiscal year.”

79 Stat. 1056.

(b) (1) Such section 720 is further amended by striking out “Sums so appropriated shall remain available until expended.” and by adding at the end of such section the following: “Sums so appropriated for any fiscal year shall remain available for obligation through the close of the next fiscal year.”

(2) The amendments made by this subsection shall apply only with respect to appropriations for fiscal years ending after June 30, 1969.

FEDERAL SHARE

SEC. 102. (a) Subsection (a) (1) of section 722 of the Public Health Service Act (42 U.S.C. 293b) is amended by striking out “such amount may not exceed 50 per centum” and inserting in lieu thereof “such amount may not, except where the Secretary determines that unusual circumstances make a larger percentage (which in no case may exceed 66⅔ per centum) necessary in order to effectuate the purposes of this part, exceed 50 per centum”.

77 Stat. 168.

(b) The amendment made by this section shall apply in the case of projects for which grants are made from appropriations for fiscal years ending after June 30, 1969.

LENGTH AND CHARACTER OF FEDERAL RECOVERY INTEREST IN FACILITIES

SEC. 103. (a) (1) Clause (b) of section 723 of the Public Health Service Act (42 U.S.C. 293c) is amended to read as follows:

“(b) the facility shall cease to be used for the teaching purposes (and the other purposes permitted under section 722) for which it was constructed, unless the Secretary determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so.”

(2) So much of such section 723 of such Act as precedes clause (a) is amended by striking out “ten” and inserting in lieu thereof “twenty”.

77 Stat. 166.

(3) Clause (A) of section 721(c)(2) of such Act (42 U.S.C. 293a) is amended to read: "(A) the facility is intended to be used for the purposes for which the application has been made,".

42 USC 293-293h.

(b) The amendments made by subsection (a) (1) and (2) shall apply in the case of facilities for which a grant has been or is in the future made under part B of title VII of the Public Health Service Act. The amendment made by subsection (a) (3) shall apply in the case of assurances given after the date of enactment of this Act under such part B.

GRANTS FOR MULTIPURPOSE FACILITIES

SEC. 104. (a) Section 722 of the Public Health Service Act (42 U.S.C. 293b) is further amended by adding at the end thereof the following new subsection:

70 Stat. 717.
42 USC 292-292j.79 Stat. 1059.
42 USC 280b-280b-11.

"(d) In the case of a project for construction of facilities which are primarily (as determined in accordance with regulations of the Secretary) for teaching purposes and for which a grant may be made under this part, but which also are for research purposes, or research and related purposes, in the sciences related to health (within the meaning of part A of this title) or for medical library purposes (within the meaning of part I of title III), the project shall, insofar as all such purposes are involved, be regarded as a project for facilities with respect to which a grant may be made under this part."

(b) The amendment made by subsection (a) shall apply in the case of projects for which grants are made under part B of title VII of the Public Health Service Act from appropriations for fiscal years ending after June 30, 1969.

GRANTS FOR CONTINUING AND ADVANCED EDUCATION FACILITIES

SEC. 105. (a) Paragraph (3) of section 721(c) of the Public Health Service Act (42 U.S.C. 293a) is amended by inserting before the semicolon at the end thereof the following: "(and, for purposes of this part, expansion or curtailment of capacity for continuing education shall also be considered expansion and curtailment, respectively, of training capacity)".

(b) Subsection (d) of section 721 of such Act is amended by inserting "(other than a project for facilities for continuing education)" after "an existing school" in paragraph (1)(A) and after "a school" in paragraph (1)(B).

77 Stat. 169.
42 USC 293d.

(c) Section 724(4) of such Act is amended by inserting before the semicolon at the end thereof: ", and including advanced training related to such training provided by any such school".

(d) The amendments made by this section shall apply in the case of projects for which grants are made under part B of title VII of the Public Health Service Act from appropriations for fiscal years ending after June 30, 1969.

PART B—INSTITUTIONAL AND SPECIAL PROJECT GRANTS FOR TRAINING OF HEALTH PROFESSIONS PERSONNEL

79 Stat. 1052.

SEC. 111. (a) Sections 770, 771, and 772 of the Public Health Service Act (42 U.S.C. 295f, 295f-1, 295f-2) are amended to read as follows:

"AUTHORIZATION FOR APPROPRIATIONS

"SEC. 770. (a) There are authorized to be appropriated \$117,000,000 for the fiscal year ending June 30, 1970, and \$168,000,000 for the fiscal year ending June 30, 1971, for institutional grants under section 771 and special project grants under section 772.

“(b) The portion of the sums so appropriated for each fiscal year which shall be available for grants under each such section shall be determined by the Secretary unless otherwise provided in the Act or Acts appropriating such sums for such year.

“INSTITUTIONAL GRANTS

Distribution.

“SEC. 771. (a) (1) The sums available for grants under this section from appropriations under section 770 for the fiscal year ending June 30, 1970, and for the next fiscal year shall be distributed to the schools of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, and podiatry with approved applications as follows: Each school shall receive \$25,000; and of the remainder—

“(A) 75 per centum shall be distributed on the basis of—

“(i) the relative enrollment of full-time students for such year, and

“(ii) the relative increase in enrollment of such students for such year over the average enrollment of such school for the five school years preceding the year for which the application is made;

with the amount per full-time student so computed that a school receives twice as much for each such student in the increase as for other full-time students, and

“(B) 25 per centum shall be distributed on the basis of the relative number of graduates for such year.

In computing the increase under clause (a) (ii) of the preceding sentence for any school, there shall be excluded a number equal to the increase required by subsection (b) (1) (except in the case of a school to which the third sentence of such subsection applies).

“(2) For the fiscal years ending June 30, 1970, and June 30, 1971, only, the sum computed under paragraph (1) for any school which is less than the amount such school received under this section for the fiscal year ending June 30, 1969, shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the sums computed under such paragraph (1) for the remaining schools, but with such adjustments as may be necessary to prevent the sums computed for any of such remaining schools from being reduced to less than the amount it received for such fiscal year ending June 30, 1969, under this section.

Enrollment increase requirement.

“(b) (1) The Secretary shall not make a grant under this section to any school unless the application for such grant contains or is supported by reasonable assurances that for the first school year beginning after the fiscal year for which such grant is made and each school year thereafter during which such a grant is made the first-year enrollment of full-time students in such school will exceed the average of the first-year enrollments of such students in such school for the two school years having the highest such enrollment during the five school years during the period of July 1, 1963, through June 30, 1968, by at least 2½ per centum of such average first-year enrollments, or by five students, whichever is greater. The requirements of this paragraph shall be in addition to the requirements of section 721(c) (2) (D) of this Act, where applicable. The Secretary is authorized to waive (in whole or in part) the provisions of this paragraph if he determines, after consultation with the National Advisory Council on Health Professions Educational Assistance, that the required increase in first-year enrollment of full-time students in a school cannot, because of limitations of physical facilities available to the school for training, be accomplished without lowering the quality of training provided therein.

77 Stat. 166.
42 USC 293a.
Waiver.

Limitation.

"(2) Notwithstanding the preceding provisions of this section, no grant under this section to any school for any fiscal year may exceed the total of the funds from non-Federal sources expended (excluding expenditures of a nonrecurring nature) by the school during the preceding year for teaching purposes (as determined in accordance with criteria prescribed by the Secretary), except that this paragraph shall not apply in the case of a school which has for such year a particular year-class which it did not have for the preceding year or in the case of Howard University.

Post, p. 779.

"(c) (1) For purposes of this part and part F, regulations of the Secretary shall include provisions relating to determination of the number of students enrolled in a school, or in a particular year-class in a school, or the number of graduates, as the case may be, on the basis of estimates, or on the basis of the number of students who were enrolled in a school, or in a particular year-class in a school, or were graduates, in an earlier year, as the case may be, or on such basis as he deems appropriate for making such determination, and shall include methods of making such determinations when a school or a year-class was not in existence in an earlier year at a school.

"Full-time students."

"(2) For purposes of this part and part F, the term 'full-time students' (whether such term is used by itself or in connection with a particular year-class) means students pursuing a full-time course of study leading to a degree of doctor of medicine, doctor of dentistry, or an equivalent degree, doctor of osteopathy, bachelor of science in pharmacy, or doctor of pharmacy, doctor of optometry or an equivalent degree, doctor of veterinary medicine or an equivalent degree, or doctor of podiatry or an equivalent degree.

"SPECIAL PROJECT GRANTS

"Sec. 772. Grants may be made, from sums available therefore from appropriations under section 770 for the fiscal year ending June 30, 1970, and for the next fiscal year, to assist schools of medicine, dentistry, osteopathy, pharmacy, optometry, podiatry, and veterinary medicine in meeting the cost of special projects to plan, develop, or establish new programs or modifications of existing programs of education in such health professions or to effect significant improvements in curriculums of any such schools or for research in the various fields related to education in such health professions, or to develop training for new levels or types of health professions personnel, or to assist any such schools which are in serious financial straits to meet their costs of operation or which have special need for financial assistance to meet the accreditation requirements, or to assist any such schools to meet the costs of planning experimental teaching facilities or experimental design thereof, or which will otherwise strengthen, improve, or expand programs to train personnel in such health professions or help to increase the supply of adequately trained personnel in such health professions needed to meet the health needs of the Nation."

79 Stat. 1053.

(b) (1) Subsection (a) of section 773 of such Act (42 U.S.C. 295f-3 is amended by striking out "basic or special grants under section 771 or 772" and inserting in lieu thereof "grants under section 771 or 772".

(2) Subsection (b) (1) of such section is amended by inserting before "or podiatry" the following: "pharmacy, veterinary medicine,".

(3) Subsection (c) of such section is amended by striking out "National Advisory Council on Medical, Dental, Optometric, and Podiatric Education" and inserting in lieu thereof "National Advisory Council on Health Professions Educational Assistance".

(4) Subsection (d) (2) of such section is amended by inserting "(excluding expenditures of a nonrecurring nature)" after "for such purpose".

(5) Subsection (e) of such section is amended to read as follows:

“(e) In determining priority of projects applications for which are filed under section 772, the Secretary shall give consideration to—

Priorities.

“(1) the extent to which the project will increase enrollment of full-time students receiving the training for which grants are authorized under this part;

“(2) the relative need of the applicant for financial assistance to maintain or provide for accreditation or to avoid curtailing enrollment or reduction in the quality of training provided; and

“(3) the extent to which the project may result in curriculum improvement or improved methods of training or will help to reduce the period of required training without adversely affecting the quality thereof.”

(c) (1) Section 774(a) of such Act is amended by striking out “and podiatric education” and inserting in lieu thereof “podiatric, pharmaceutical, and veterinary education”.

79 Stat. 1054.
42 USC 295f-4.

(2) Such section 774(a) is further amended by striking out “twelve” and inserting in lieu thereof “fourteen”, and by striking out “National Advisory Council on Medical, Dental, Optometric, and Podiatric Education” and inserting in lieu thereof “National Advisory Council on Health Professions Educational Assistance”.

(3) The heading of section 774 is amended to read:

“NATIONAL ADVISORY COUNCIL ON HEALTH PROFESSIONS EDUCATIONAL ASSISTANCE”

(4) Section 780(d) of such Act is amended by striking out “National Advisory Council on Medical, Dental, Optometric, and Podiatric Education” and inserting in lieu thereof “National Advisory Council on Health Professions Educational Assistance”.

42 USC 295g.

(d) The amendments made by this section shall apply with respect to appropriations for fiscal years ending after June 30, 1969.

Effective date.

(e) Effective only with respect to appropriations for the fiscal year ending June 30, 1969, section 772 of such Act is amended (1) by striking out subsection (c), and (2) by inserting before the period at the end of subsection (b) the following: “, or (3) to plan for special projects for which grants are authorized under this section as amended by the Health Manpower Act of 1968”.

79 Stat. 1053.
42 USC 295f-2.

PART C—STUDENT AID

STUDENT LOANS

SEC. 121. (a) (1) Clauses (2) and (3) of section 740(b) of the Public Health Service Act (42 U.S.C. 294) are each amended by inserting “, except as provided in section 746,” after “fund” the first time it appears therein.

77 Stat. 171.

(2) Section 740(b) (4) of such Act is amended by striking out “1969” and inserting in lieu thereof “1971”.

79 Stat. 1057.

(3) Section 741(c) of such Act (42 U.S.C. 294a) is amended by striking out “three years” the first time it appears therein and inserting in lieu thereof “one year” and by adding before the period at the end thereof “; and periods (up to five years) of advanced professional training including internships and residencies”.

(4) Section 741(e) of such Act is amended to read as follows:

“(e) Such loans shall bear interest, on the unpaid balance of the loan, computed only for periods for which the loan is repayable, at the rate of 3 per centum per year”.

(5) (A) Section 741 of such Act is further amended by adding at the end thereof the following new subsections:

Late payment,
penalty.

“(j) Subject to regulations of the Secretary, a school may assess a charge with respect to a loan made under this part for failure of the borrower to pay all or any part of an installment when it is due and, in the case of a borrower who is entitled to deferment of the loan under subsection (c) or cancellation of part or all of the loan under subsection (f), for any failure to file timely and satisfactory evidence of such entitlement. The amount of any such charge may not exceed \$1 for the first month or part of a month by which such installment or evidence is late and \$2 for each such month or part of a month thereafter. The school may elect to add the amount of any such charge to the principal amount of the loan as of the first day after the day on which such installment or evidence was due, or to make the amount of the charge payable to the school not later than the due date of the next installment after receipt by the borrower of notice of the assessment of the charge.

Minimum pay-
ment.

“(k) A school may provide, in accordance with regulations of the Secretary, that during the repayment period of a loan from a loan fund established pursuant to an agreement under this part payments of principal and interest by the borrower with respect to all the outstanding loans made to him from loan funds so established shall be at a rate equal to not less than \$15 per month.”

77 Stat. 171.
42 USC 294.

(B) Subsection (b) (2) of section 740 of such Act is further amended by striking out “and (D)” and inserting in lieu thereof “(D) collections pursuant to section 741(j), and (E)”.

Appropriation.
79 Stat. 1057.

(b) (1) The first sentence of subsection (a) of section 742 of such Act (42 U.S.C. 294b) is amended by striking out “and” before “\$25,000,000” and by inserting before the period at the end thereof “, and \$35,000,000 each for the fiscal year ending June 30, 1970, and the next fiscal year”.

(2) The third sentence of such subsection is amended by striking out “1970” and “1969” and inserting in lieu thereof “1972” and “1971”, respectively.

80 Stat. 1232.

(3) The fourth sentence of such subsection is amended by striking out “and” before “(2)” and by inserting before the period at the end thereof “, and (3) for transfers pursuant to section 746”.

(c) Section 743 of such Act (42 U.S.C. 294c) is amended by striking out “1972” each place it appears therein and inserting in lieu thereof “1974”.

(d) (1) Section 744(a) (1) of such Act (42 U.S.C. 294d) is amended by inserting “and each of the next three fiscal years,” after “1968,”.

(2) Section 744(c) of such Act is amended by striking out “\$35,000,000” and inserting in lieu thereof “\$45,000,000”.

(e) Part C of title VII of such Act (42 U.S.C. 294, et seq.) is further amended by adding at the end thereof the following new section:

“TRANSFER OF FUNDS TO SCHOLARSHIPS

“SEC. 746. Not to exceed 20 per centum of the amount paid to a school from the appropriations for any fiscal year for Federal capital contributions under an agreement under this part, or such larger percentage thereof as the Secretary may approve, may be transferred to the sums available to the school under part F of this title to be used for the same purpose as such sums. In the case of any such transfer, the amount of any funds which the school deposited in its student loan fund pursuant to section 740(b) (2) (B) with respect to the amount so transferred may be withdrawn by the school from such fund.”

Post, p. 779.

80 Stat. 1232.

Effective dates.

(f) The amendments made by subsections (a) (1), (b) (3), and (e) shall apply with respect to appropriations for fiscal years ending after June 30, 1969. The amendment made by subsection (a) (3) shall apply (1) with respect to all loans made under an agreement

under part (C) of title VII of the Public Health Service Act after June 30, 1969, and (2) with respect to loans made thereunder before July 1, 1969, to the extent agreed to by the school which made the loans and the Secretary (but, then, only as to years beginning after June 30, 1969). The amendment made by subsection (a) (4) and (5) shall apply with respect to loans made after June 30, 1969.

SCHOLARSHIPS

SEC. 122. (a) Subsection (a) of section 780 of the Public Health Service Act (42 U.S.C. 295g) is amended by striking out “or pharmacy” and inserting in lieu thereof “pharmacy, or veterinary medicine”. The heading of such section is amended by striking out “OR PHARMACY” and inserting in lieu thereof “PHARMACY, OR VETERINARY MEDICINE”.

79 Stat. 1055.

(b) Subsection (b) of such section is amended by inserting “and each of the next two fiscal years” after “1969,” in the first sentence and by striking out “1970” and “1969” and inserting in lieu thereof “1972” and “1971”, respectively, in the second sentence.

(c) (1) Paragraph (1) of subsection (c) of such section is amended by inserting “and each of the next two fiscal years” after “1969” in clause (D) and by striking out “1969” and “1970” in clause (E) and inserting in lieu thereof “1971” and “1972”, respectively.

(2) The first sentence of paragraph (2) of such subsection (c) is amended by striking out “from low-income families who, without such financial assistance could not” and inserting in lieu thereof “of exceptional financial need who need such financial assistance to”.

(d) Part F of title VII of the Public Health Service Act is further amended by inserting after section 780 the following new section:

“TRANSFER TO STUDENT LOAN FUNDS

“SEC. 781. Not to exceed 20 per centum of the amount paid to a school from the appropriations for any fiscal year for scholarships under this part, or such larger percentage thereof as the Secretary may approve, may be transferred to the sums available to the school under part C for (and to be regarded as) Federal capital contributions, to be used for the same purpose as such sums.”

(e) The amendment made by subsections (a), (b), (c) (1), and (d) shall apply with respect to appropriations for fiscal years ending June 30, 1969. The amendments made by subsection (c) (2) shall apply with respect to scholarships from appropriations for fiscal years ending after June 30, 1969.

Effective dates.

PART D—MISCELLANEOUS

STUDY OF SCHOOL AID AND STUDENT AID PROGRAMS

SEC. 131. The Secretary shall, in consultation with the Advisory Councils established by sections 725 and 774, prepare, and submit to the President and the Congress prior to July 1, 1970, a report on the administration of parts B, C, E, and F of title VII of the Public Health Service Act, an appraisal of the programs under such parts in the light of their adequacy to meet the long-term needs for health professionals, and his recommendations as a result thereof.

Report to President and Congress.

42 USC 293e. Ante, p. 777.

42 USC 293-294e, 295f-295g.

TITLE II—NURSE TRAINING

PART A—CONSTRUCTION GRANTS

EXTENSION OF CONSTRUCTION AUTHORIZATION

78 Stat. 908.

SEC. 201. (a) Section 801 of the Public Health Service Act (42 U.S.C. 296) is amended to read as follows:

"SEC. 801. (a) There are authorized to be appropriated, for grants to assist in the construction of new facilities for collegiate, associate degree, or diploma schools of nursing, or replacement or rehabilitation of existing facilities for such schools, \$25,000,000 for the fiscal year ending June 30, 1970, and \$35,000,000 for the fiscal year ending June 30, 1971.

"(b) Sums appropriated pursuant to subsection (a) for a fiscal year shall remain available for obligation through the close of the next fiscal year."

(b) Section 802(a) of such Act (42 U.S.C. 296a) is amended by striking out "July 1, 1968" and inserting in lieu thereof "July 1, 1970".

FEDERAL SHARE

SEC. 202. Section 803(a) of the Public Health Service Act (42 U.S.C. 296b) is amended by striking out "may not exceed 50 per centum" in clause (B) and inserting in lieu thereof "may not, except where the Secretary determines that unusual circumstances make a larger percentage (which may in no case exceed 66⅔ per centum) necessary in order to effectuate the purposes of this part, exceed 50 per centum".

INCLUSION OF TRUST TERRITORY

SEC. 203. Section 843(a) of the Public Health Service Act (42 U.S.C. 298b) is amended by striking out "or the Virgin Islands" and inserting in lieu thereof "the Virgin Islands, or the Trust Territory of the Pacific Islands".

AMENDMENT OF DEFINITION OF COLLEGIATE SCHOOL OF NURSING

SEC. 204. Section 843(c) of the Public Health Service Act is amended by inserting before the period at the end thereof ", and including advanced training related to such program of education provided by such school".

EFFECTIVE DATE

SEC. 205. The amendments made by sections 201 and 204 shall apply with respect to appropriations for fiscal years ending after June 30, 1969.

PART B—SPECIAL PROJECT AND INSTITUTIONAL GRANTS TO SCHOOLS OF NURSING

SPECIAL PROJECT AND INSTITUTIONAL GRANTS

SEC. 211. Sections 805 and 806 of the Public Health Service Act (42 U.S.C. 296d, 296e) are amended to read as follows:

“IMPROVEMENT IN NURSE TRAINING

“SEC. 805. (a) From the sums available therefor from appropriations under section 808 for the fiscal year ending June 30, 1970, and the next fiscal year, grants may be made to assist any public or non-profit private agency, organization, or institution to meet the cost of special projects to plan, develop, or establish new programs or modifications of existing programs of nursing education or to effect significant improvements in curriculums of schools of nursing or for research in the various fields of nursing education, or to assist schools of nursing which are in serious financial straits to meet their costs of operation or to assist schools of nursing which have special need for financial assistance to meet accreditation requirements, or to assist in otherwise strengthening, improving, or expanding programs of nursing education, or to assist any such agency, organization, or institution to meet the costs of other special projects which will help to increase the supply of adequately trained nursing personnel needed to meet the health needs of the Nation.

“(b) In determining priority of projects for which applications are filed under subsection (a), the Secretary shall give priority in the following order:

Priorities.

“(1) the relative need of the applicant (if a school of nursing) for financial assistance to continue in operation or avoid curtailing enrollment or reduction in the quality of training provided;

“(2) the special need of the applicant for financial assistance in connection with its merger with a school of nursing;

“(3) the relative need of the applicant for financial assistance to maintain or provide for accreditation as a school of nursing; and

“(4) the extent to which the project will increase enrollment of full-time students receiving nursing training.

“INSTITUTIONAL GRANTS

“SEC. 806. (a) The sums available for grants under this section from appropriations under section 808 for the fiscal year ending June 30, 1970, and the next fiscal year shall be distributed to the schools with approved applications as follows: Each school shall receive \$15,000; and of the remainder—

Distribution.

“(A) 75 per centum shall be distributed on the basis of—

“(i) the relative enrollment of full-time students for such year, and

“(ii) the relative increase in enrollment of such students for such year over the average enrollment of such school for the five school years preceding the year for which the application is made;

with the amount per full-time student so computed that a school receives twice as much for each such student in the increase as for other full-time students, and

“(B) 25 per centum shall be distributed on the basis of the relative number of graduates for such year.

In computing the increase under clause (A) (ii) of the preceding sentence for any school, there shall be excluded a number equal to the increase required by subsection (b) (except in the case of a school to which the third sentence of such subsection applies).

“(b) The Secretary shall not make a grant under this section to any school from any appropriation for a fiscal year ending after June 30, 1970, unless the application for such grant contains or is supported by reasonable assurances that for the first school year beginning after the fiscal year for which such grant is made and each school year thereafter

Enrollment increase requirement.

during which such a grant is made the first-year enrollment of full-time students in such school will exceed the average of the first-year enrollment of such students in such school for the two school years having the highest such enrollment during the five school years during the period of July 1, 1963, through June 30, 1968, by at least 21½ per centum of such average first-year enrollment, or by five students, whichever is greater. The requirements of this subsection shall be in addition to the requirements of section 802(b)(2)(D) of this Act, where applicable. The Secretary is authorized to waive (in whole or in part) the provisions of this subsection if he determines, after consultation with the National Advisory Council on Nurse Training, that the required increase in first-year enrollment of full-time students in a school cannot, because of limitations of physical facilities available to the school for training, be accomplished without lowering the quality of training provided therein.

78 Stat. 909.
42 USC 296a.
Waiver.

Post, pp. 785,
786.

“(c) (1) For the purposes of this part and part D, regulations of the Secretary shall include provisions relating to determination of the number of students enrolled in a school, or in a particular year-class in a school, or the number of graduates from a school, as the case may be, on the basis of estimates, or on the basis of the number of students who were enrolled in a school, or in particular year-class in a school, or were graduates from a school in earlier years, as the case may be, or on such basis as he deems appropriate for making such determination, and shall include methods of making such determination when a school or a year-class was not in existence in an earlier year at a school.

“Full-time
students.”

“(2) For purposes of this part and part D, the term ‘full-time students’ (whether such term is used by itself or in connection with a particular year-class) means students pursuing a full-time course of study in an accredited program in a school of nursing.”

CONDITIONS OF ELIGIBILITY

42 USC 296-
296e.

SEC. 212. Part A of title VIII of the Public Health Service Act is amended by adding at the end thereof the following new sections:

“APPLICATIONS FOR GRANTS

“SEC. 807. (a) The Secretary may from time to time set dates (not earlier than in the fiscal year preceding the year for which a grant is sought) by which applications under section 805 or 806 for any fiscal year must be filed.

“(b) The Secretary shall not approve or disapprove any application for a grant under this part except after consultation with the National Advisory Council on Nurse Training.

“(c) A grant under section 805 or 806 may be made only if the application therefor—

“(1) is from a public or nonprofit private school of nursing, or, in the case of grants under section 805, a public or nonprofit private agency, organization, or institution;

“(2) contains or is supported by assurances satisfactory to the Secretary that the applicant will expend in carrying out its functions as a school of nursing, during the fiscal year for which such grant is sought, an amount of funds (other than funds for construction as determined by the Secretary) from non-Federal sources which are at least as great as the average amount of funds expended by such applicant for such purpose (excluding expenditures of a nonrecurring nature) in the three fiscal years immediately preceding the fiscal year for which such grant is sought;

“(3) contains such additional information as the Secretary may

require to make the determinations required of him under this part and such assurances as he may find necessary to carry out the purposes of this part; and

“(4) provides for such fiscal control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may require to assure proper disbursement of and accounting for Federal funds paid to the applicant under this part.

“AUTHORIZATION FOR APPROPRIATIONS

“SEC. 808. (a) There are authorized to be appropriated \$35,000,000 for the fiscal year ending June 30, 1970, and \$40,000,000 for the fiscal year ending June 30, 1971, for improvement grants under section 805 and institutional grants under section 806.

“(b) Of the sums appropriated under subsection (a) of this section \$15,000,000 shall be available for each of the fiscal years ending June 30, 1970, and June 30, 1971, for grants under section 805.”

CONFORMING CHANGE

SEC. 213. Clause (2) of section 843(f) of the Public Health Service Act (42 U.S.C. 298b) is amended to read: “(2) in the case of a school applying for a grant under section 806 for any fiscal year, prior to the beginning of the first academic year following the normal graduation date of the class which is the entering class for such fiscal year (or is the first such class in such year if there is more than one);”.

EFFECTIVE DATE

SEC. 214. The amendments made by the preceding provisions of this part shall apply with respect to appropriations for fiscal years ending after June 30, 1969.

PLANNING FOR FISCAL YEAR 1969

SEC. 215. Effective only with respect to appropriations for the fiscal year ending June 30, 1969, section 805(a) of the Public Health Service Act is amended by inserting at the end thereof the following new sentence: “Appropriations under this section shall also be available for grants for planning special projects for which grants are authorized under this section as amended by the Health Manpower Act of 1968.”

78 Stat. 912.
42 USC 296d.

PART C—STUDENT AID

ADVANCED TRAINING

SEC. 221. Section 821(a) of the Public Health Service Act (42 U.S.C. 297) is amended by striking out “and” before “\$12,000,000” and by inserting “\$15,000,000 for the fiscal year ending June 30, 1970, and \$19,000,000 for the fiscal year ending June 30, 1971,” after “1969,”.

Appropriation.

STUDENT LOANS

SEC. 222. (a) (1) Clauses (2) and (3) of section 822(b) of the Public Health Service Act (42 U.S.C. 297a) are each amended by inserting “, except as provided in section 829,” after “fund” the first time it appears therein.

(2) Section 822(b)(4) of such Act is amended by striking out “1969” and inserting in lieu thereof “1971”.

(b) (1) Section 823(a) of such Act (42 U.S.C. 297b) is amended by striking out “\$1,000” and inserting in lieu thereof “\$1,500”, by insert-

ing "to licensed practical nurses and" immediately after "preference", and by inserting after the first sentence the following new sentence: "The aggregate of the loans for all years from such funds may not exceed \$6,000 in the case of any student."

78 Stat. 914.
42 USC 297b.

(2) Section 823(b) (2) of such Act is amended by (A) striking out "one year" and inserting in lieu thereof "nine months" and (B) striking "except that" and all that follows down to but not including the semicolon and inserting in lieu thereof "excluding from such 10-year period all (A) periods (up to three years) of (i) active duty performed by the borrower as a member of a uniformed service, or (ii) service as a volunteer under the Peace Corps Act, and (B) periods (up to five years) during which the borrower is pursuing a full-time course of study at a collegiate school of nursing leading to baccalaureate degree in nursing or an equivalent degree, or to graduate degree in nursing, or is otherwise pursuing advanced professional training in nursing".

(3) Section 823(b) (3) of such Act is amended by inserting before the semicolon at the end thereof the following: ", except that such rate shall be 15 per centum for each complete year of service as such a nurse in a public or other nonprofit hospital in any area which is determined, in accordance with regulations of the Secretary, to be an area which has a substantial shortage of such nurses at such hospitals, and for the purpose of any cancellation at such higher rate, an amount equal to an additional 50 per centum of the total amount of such loans plus interest may be canceled".

79 Stat. 1058.

(4) Section 823(b) (5) of such Act is amended by striking out everything which follows "3 per centum per annum" down to but not including the second semicolon.

(c) (1) Section 823 of such Act is further amended by adding at the end thereof the following new subsections:

Late payment,
penalty.

"(f) Subject to regulations of the Secretary, a school may assess a charge with respect to a loan from the loan fund established pursuant to an agreement under this part for failure of the borrower to pay all or any part of an installment when it is due and, in the case of a borrower who is entitled to deferment of the loan under subsection (b) (2) or cancellation of part or all of the loan under subsection (b) (3), for any failure to file timely and satisfactory evidence of such entitlement. The amount of any such charge may not exceed \$1 for the first month or part of a month by which such installment or evidence is late and \$2 for each such month or part of a month thereafter. The school may elect to add the amount of any such charge to the principal amount of the loan as of the first day after the day on which such installment or evidence was due, or to make the amount of the charge payable to the school not later than the due date of the next installment after receipt by the borrower of notice of the assessment of the charge.

Minimum pay-
ment.

"(g) A school may provide in accordance with regulations of the Secretary, that during the repayment period of a loan from a loan fund established pursuant to an agreement under this part payments of principal and interest by the borrower with respect to all the outstanding loans made to him from loan funds so established shall be at a rate equal to not less than \$15 per month."

42 USC 297a.

(2) Subsection (b) (2) of section 822 of such Act is further amended by striking out "and (D)" and inserting in lieu thereof "(D) collections pursuant to section 823(f), and (E)".

Appropriation.

(d) (1) Section 824 of such Act (42 U.S.C. 297c) is amended by inserting "\$20,000,000 for the fiscal year ending June 30, 1970, and \$21,000,000 for the fiscal year ending June 30, 1971," after "1969," the first time it appears therein, by striking out "1970" and inserting in

lieu thereof "1972", and by striking out "1969," the second time it appears therein and inserting in lieu thereof "1971,".

(2) The second sentence of such section is amended by inserting before the period at the end thereof ", and (3) for transfers pursuant to section 829".

80 Stat. 1235.
42 USC 297c.

(e) The first two sentences of section 825 of such Act (42 U.S.C. 297d) are amended to read as follows: "From the sums appropriated pursuant to section 824 for any fiscal year, the Secretary shall allot to each school an amount which bears the same ratio to the amount so appropriated as the number of persons enrolled on a full-time basis in such school bears to the total number of persons enrolled on a full-time basis in all schools of nursing in all the States. The number of persons enrolled on a full-time basis in schools of nursing for purposes of this section shall be determined by the Secretary for the most recent year for which satisfactory data are available to him."

78 Stat. 915.

(f) Section 826 of such Act (42 U.S.C. 297e) is amended by striking out "1972" each place it appears therein and inserting in lieu thereof "1974".

(g) Section 827(a)(1) of such Act (42 U.S.C. 297f) is amended by inserting "and each of the next three fiscal years," after "1968,".

80 Stat. 1233.

(h) Part B of title VIII of such Act (42 U.S.C. 297 et seq.) is further amended by adding at the end thereof the following new section:

"TRANSFERS TO SCHOLARSHIP PROGRAM

"SEC. 829. Not to exceed 20 per centum of the amount paid to a school from the appropriation for any fiscal year for Federal capital contributions under an agreement under this part, or such larger percentage thereof as the Secretary may approve, may be transferred to the sums available to the school under part D to be used for the same purpose as such sums. In the case of any such transfer, the amount of any funds which the school deposited in its student loan fund pursuant to section 822(b)(2)(B) with respect to the amount so transferred may be withdrawn by the school from such fund."

42 USC 297a.

(i) The amendments made by subsection (b)(1) and (2) shall apply with respect to all loans made after June 30, 1969, and with respect to loans made from a student loan fund established under an agreement pursuant to section 822, before July 1, 1969, to the extent agreed to by the school which made the loans and the Secretary (but then only for years beginning after June 30, 1968). The amendments made by subsection (b)(4) and subsection (c) shall apply with respect to loans made after June 30, 1969. The amendment made by subsection (h) shall apply with respect to appropriations for fiscal years beginning after June 30, 1969. The amendment made by subsection (b)(3) shall apply with respect to service, specified in section 823(b)(3) of such Act, performed during academic years beginning after the enactment of this Act, whether the loan was made before or after such enactment.

Effective dates.

Ante, p. 784.

SCHOLARSHIPS

SEC. 223. (a) So much of part D of title VIII of the Public Health Service Act (42 U.S.C. 298c et seq.) as precedes section 868 is amended to read as follows:

80 Stat. 1236.

"PART D—SCHOLARSHIP GRANTS TO SCHOOLS OF NURSING

"SCHOLARSHIP GRANTS

"SEC. 860. (a) The Secretary shall make grants as provided in this part to each public or other nonprofit school of nursing for scholarships to be awarded annually by such school to students thereof.

"(b) The amount of the grant under subsection (a) for the fiscal year ending June 30, 1970, and the next fiscal year to each such school shall be equal to \$2,000 multiplied by one-tenth of the number of full-time students of such school. For the fiscal year ending June 30, 1972, and for each of the three succeeding fiscal years, the grant under subsection (a) shall be such amount as may be necessary to enable such school to continue making payments under scholarship awards to students who initially received such awards out of grants made to the school for fiscal years ending prior to July 1, 1971.

Recipients.

"(c) (1) Scholarships may be awarded by schools from grants under subsection (a)—

"(A) only to individuals who have been accepted by them for enrollment, and individuals enrolled and in good standing, as full-time students, in the case of awards from such grants for the fiscal year ending June 30, 1970, and the next fiscal year; and

"(B) only to individuals enrolled and in good standing as full-time students who initially received scholarship awards out of such grants for a fiscal year ending prior to July 1, 1971, in the case of awards from such grants for the fiscal year ending June 30, 1972, and each of the three succeeding fiscal years.

Amount, limitation.

"(2) Scholarships from grants under subsection (a) for any school year shall be awarded only to students of exceptional financial need who need such financial assistance to pursue a course of study at the school for such year. Any such scholarship awarded for a school year shall cover such portion of the student's tuition, fees, books, equipment, and living expenses at the school making the award, but not to exceed \$1,500 for any year in the case of any student, as such school may determine the student needs for such year on the basis of his requirements and financial resources.

"(d) Grants under subsection (a) shall be made in accordance with regulations prescribed by the Secretary after consultation with the National Advisory Council on Nurse Training.

"(e) Grants under subsection (a) may be paid in advance or by way of reimbursement, and at such intervals as the Secretary may find necessary; and with appropriate adjustments on account of overpayments or underpayments previously made.

"TRANSFERS TO STUDENT LOAN PROGRAM

"SEC. 861. Not to exceed 20 per centum of the amount paid to a school from the appropriation for any fiscal year for scholarships under this part, or such larger percentage thereof as the Secretary may approve for such school for such year, may be transferred to the sums available to the school under this part for (and to be regarded as) Federal capital contributions, to be used for the same purpose as such sums."

Effective date.

(b) The amendment made by subsection (a) shall apply with respect to appropriations for fiscal years ending after June 30, 1969.

PART D—MISCELLANEOUS

DEFINITION OF ACCREDITATION

SEC. 231. (a) Subsections (c) and (e) of section 843 of the Public Health Service Act (42 U.S.C. 298b) are each amended by striking out “an accredited program” and inserting in lieu thereof “a program”.

78 Stat. 918.

(b) Subsection (d) of such section is amended by striking out “an accredited two-year program” and inserting in lieu thereof “a two-year program”.

(c) Such subsection (c) is further amended by adding before the period at the end thereof (and after the language added by section 205 of this Act) “, but only if such program, or such unit, college, or university is accredited”.

(d) Such subsection (d) is further amended by adding before the period at the end thereof “, but only if such program, or such unit, college, or university is accredited”.

(e) Such subsection (e) is further amended by adding before the period at the end thereof “, but only if such program, or such affiliated school or such hospital or university or such independent school is accredited”.

(f) So much of subsection (f) of such section as precedes clause (1) is amended—

79 Stat. 1058.

(1) by inserting “, or by a State agency,” immediately after “accredited by a recognized body or bodies”;

(2) by inserting “or State agency” immediately after “such a recognized body or bodies”;

(3) by inserting after “Commissioner of Education” the first time it appears therein “and when applied to a hospital, school, college, or university (or a unit thereof) means a hospital, school, college, or university (or a unit thereof) which is accredited by a recognized body or bodies, or by a State agency, approved for such purpose by the Commissioner of Education”;

(4) by striking out “or a program accredited for the purpose of this Act by the Commissioner of Education”;

(5) by inserting “, or a hospital, school, college, or university (or a unit thereof),” immediately after “except that a program”;

(6) by inserting “, or the hospital, school, college, or university (or a unit thereof),” immediately after “reasonable assurance that the program”; and

(7) by striking out “by the school which provides or will provide such program”.

(g) Such subsection (f) is further amended by adding at the end thereof the following new sentence: “For the purpose of this paragraph, the Commissioner of Education shall publish a list of recognized accrediting bodies, and of State agencies, which he determines to be reliable authority as to the quality of training offered.”

STUDY OF SCHOOL AID AND STUDENT AID PROGRAMS

SEC. 232. The Secretary shall, in consultation with the Advisory Council established by section 841, prepare, and submit to the President and the Congress prior to July 1, 1970, a report on the administration of title VIII of the Public Health Service Act, an appraisal of the programs under such title in the light of their adequacy to meet the long-term needs for nurses, and his recommendations as a result thereof.

Report to President and Congress.

42 USC 298.

42 USC 296-

298c-8.

TITLE III—ALLIED HEALTH PROFESSIONS AND PUBLIC HEALTH TRAINING

EXTENSION AND IMPROVEMENT OF ALLIED HEALTH PROFESSIONS PROGRAM

Appropriations.
80 Stat. 1222.

SEC. 301. (a) (1) (A) Section 791(a) (1) of the Public Health Service Act (42 U.S.C. 295h) is amended by striking out “and \$13,500,000 for the fiscal year ending June 30, 1969” and inserting in lieu thereof “\$13,500,000 for the fiscal year ending June 30, 1969; and \$10,000,000 for the fiscal year ending June 30, 1970”.

(B) Section 791(b) (1) of such Act is amended by striking out “1968” and inserting in lieu thereof “1969”.

(2) (A) Section 792(a) of such Act (42 U.S.C. 295h-1) is amended by striking out “and \$17,000,000 for the fiscal year ending June 30, 1969” and inserting in lieu thereof “\$17,000,000 for the fiscal year ending June 30, 1969; and \$20,000,000 for the fiscal year ending June 30, 1970”.

(B) Section 792(b) (1) of such Act is amended by striking out “1969” and inserting in lieu thereof “1970”.

(3) Section 793(a) of such Act (42 U.S.C. 295h-2) is amended by striking out “and \$3,500,000 for the fiscal year ending June 30, 1969” and inserting in lieu thereof “\$3,500,000 for the fiscal year ending June 30, 1969; and \$5,000,000 for the fiscal year ending June 30, 1970”.

(4) Section 794 of such Act (42 U.S.C. 295h-3) is amended by striking out “and \$3,000,000 for the fiscal year ending June 30, 1969” and inserting in lieu thereof “\$3,000,000 for the fiscal year ending June 30, 1969; and \$4,500,000 for the fiscal year ending June 30, 1970”.

(b) Such section 794 is further amended by—

(1) striking out “training centers for allied health professions” and inserting in lieu thereof “agencies, institutions, and organizations”;

(2) inserting “and methods” after “curriculums”; and

(3) striking out “new types of”.

(c) Part G of title VII of such Act is further amended by adding at the end thereof the following new section:

“EVALUATION

“SEC. 797. Such portion of any appropriation pursuant to section 791, 792, 793, or 794, for any fiscal year ending after June 30, 1969, as the Secretary may determine, but not exceeding one-half of 1 per centum thereof, shall be available to the Secretary for evaluation (directly or by grants or contracts) of the programs authorized by this part.”

(d) Such part G is further amended by adding after section 797 (added by subsection (c)) the following new section:

“STUDY

“SEC. 798. The Secretary shall prepare, and submit to the President and the Congress prior to April 1, 1969, a report on the administration of this part, an appraisal of the programs under this part in the light of their adequacy to meet the needs for allied health professions personnel, and his recommendations as a result thereof.”

PUBLIC HEALTH TRAINING

Report to President and Congress.

Appropriation.
78 Stat. 613.

SEC. 302. (a) Section 309(a) of the Public Health Service Act (42 U.S.C. 242g) is amended by striking out “and” before “\$9,000,000” and by inserting “\$8,500,000 for the fiscal year ending June 30, 1970, and \$12,000,000 for the fiscal year ending June 30, 1971,” after 1969.

(b) (1) Section 306(a) of the Public Health Service Act (42 U.S.C. 242d) is amended (1) by striking out “and” before “\$10,000,000” and by striking out “the succeeding fiscal year,” and inserting in lieu thereof “the two succeeding fiscal years, and \$14,000,000 for the fiscal year ending June 30, 1971”, and (2) by inserting “sanitariums,” immediately after “nurses,”.

70 Stat. 923;
78 Stat. 613.

(2) Section 306(d) of such Act is amended by striking out “\$50” and inserting in lieu thereof “\$100”.

Advisory committee, compensation.

TITLE IV—HEALTH RESEARCH FACILITIES

EXTENSION OF CONSTRUCTION AUTHORIZATION

SEC. 401. (a) Section 704 of the Public Health Service Act (42 U.S.C. 292c) is amended by striking out “and” after “\$50,000,000”; and by inserting “\$20,000,000 for the fiscal year ending June 30, 1970, and \$30,000,000 for the next fiscal year,” after “\$280,000,000,”.

79 Stat. 448.

(b) Section 705(a) of such Act (42 U.S.C. 293) is amended by striking out “1968” and inserting in lieu thereof “1970”.

42 USC 292d.

FEDERAL SHARE

SEC. 402. (a) Subsection (a) of section 706 of the Public Health Service Act (42 U.S.C. 292e) is amended by striking out “except that in no event may such amount exceed 50 per centum” and inserting in lieu thereof “but such amount may not, except as provided in paragraph (2), exceed 50 per centum”.

70 Stat. 719.

(b) Such subsection (a) of section 706 is further amended by inserting “(1)” after “(a)” and adding at the end thereof the following new paragraph:

“(2) The maximum amount of any grant shall be 66⅔ per centum instead of the maximum under paragraph (1) in the case of any class or classes of projects which the Secretary determines have such special national or regional significance as to warrant a larger grant than is permitted under paragraph (1); but not more than 25 per centum of the funds appropriated pursuant to section 704 for any fiscal year shall be available for grants in excess of 50 per centum with respect to such class or classes of projects.”

ADVISORY COUNCIL COMPENSATION

SEC. 403. Section 703(d) of the Public Health Service Act (42 U.S.C. 292b) is amended by striking out “\$50” and inserting in lieu thereof “\$100”.

EFFECTIVE DATE

SEC. 404. The amendments made by section 402 shall apply in the case of projects for which grants are made from appropriations for fiscal years ending after June 30, 1969.

SEC. 405. The clause of section 101(b) of the Joint Resolution of June 29, 1968 (Public Law 90-366) relating to activities of the domestic agricultural workers health program of the Department of Health, Education, and Welfare, is amended by striking out “, other than grants,”.

Ante, p. 275.

Approved August 16, 1968.

Public Law 90-491

August 17, 1968
[H. R. 1093]

AN ACT

To amend and clarify the reemployment provisions of the Universal Military Training and Service Act, and for other purposes.

Armed Forces.
Reserve compo-
nents, reemploy-
ment rights.

62 Stat. 615.

Court enforce-
ment.

Enlistees, bene-
fits.

75 Stat. 821.

Active duty
status, rights.

Reservists, ex-
tended duty.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9 of the Universal Military Training and Service Act, as amended (50 U.S.C. App. 459), is amended as follows:

(1) Amend section 9(c) by adding the following paragraph immediately after paragraph (2):

“(3) Any person who holds a position described in paragraph (A) or (B) of subsection (b) shall not be denied retention in employment or any promotion or other incident or advantage of employment because of any obligation as a member of a reserve component of the Armed Forces of the United States.”

(2) Amend subsection 9(d) by inserting “, subsection (c)(3)” immediately following the words “subsection (c)(1)”.

(3) Amend section 9(g)(1) to read as follows: “Any person who, after entering the employment to which he claims restoration, enlists in the Armed Forces of the United States (other than in a reserve component) shall be entitled upon release from service under honorable conditions to all the reemployment rights and other benefits provided for by this section in the case of persons inducted under the provisions of this title, if the total of his service performed between June 24, 1948, and August 1, 1961, did not exceed four years, and the total of any service, additional or otherwise performed by him after August 1, 1961, does not exceed five years, provided that the service in excess of four years after August 1, 1961, is at the request and for the convenience of the Federal Government (plus in each case any period of additional service imposed pursuant to law).”

(4) Amend subsection 9(g)(2) to read as follows:

“(2)(A) Any person who, after entering the employment to which he claims restoration enters upon active duty (other than for the purpose of determining his physical fitness and other than for training), whether or not voluntarily, in the Armed Forces of the United States or the Public Health Service in response to an order or call to active duty shall, upon his relief from active duty under honorable conditions, be entitled to all of the reemployment rights and benefits provided by this section in the case of persons inducted under the provisions of this title, if the total of such active duty performed between June 24, 1948, and August 1, 1961, did not exceed four years, and the total of any such active duty, additional or otherwise, performed after August 1, 1961, does not exceed four years (plus in each case any additional period in which he was unable to obtain orders relieving him from active duty).

“(B) Any member of a Reserve component of the Armed Forces of the United States who voluntarily or involuntarily enters upon active duty (other than for the purpose of determining his physical fitness and other than for training) or whose active duty is voluntarily or involuntarily extended during a period when the President is authorized to order units of the Ready Reserve or members of a Reserve component to active duty shall have the service limitation governing eligibility for reemployment rights under paragraph (2)(A) of this subsection extended by his period of such active duty, but not to exceed that period of active duty to which the President is authorized to order units of the Ready Reserve or members of a Reserve component: *Provided*, That with respect to a member who

voluntarily enters upon active duty or whose active duty is voluntarily extended the provisions of this paragraph shall apply only when such additional active duty is at the request and for the convenience of the Federal Government."

SEC. 2. Section 3551 of title 5, United States Code, is amended by striking out " , to be restored to the position held when ordered to duty." and by substituting in lieu thereof the following: "within the time limits specified in section 9(g) of the Military Selective Service Act of 1967 (50 U.S.C. App. 459(g)), to be restored to the position held by him when ordered to duty. However, a Reserve or member of the National Guard who leaves a position for which the salary is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives is entitled on release from active duty to be restored only under the provisions of section 459 of title 50, appendix, United States Code."

U.S. and D.C.
employees.
80 Stat. 429.

Ante, p. 790.
Legislative
branch positions.

Approved August 17, 1968.

Public Law 90-492

AN ACT

August 18, 1968
[H. R. 16363]

To clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Wholesome Poultry Products Act".

Wholesome
Poultry Products
Act.

SEC. 2. Section 2 of the Poultry Products Inspection Act (71 Stat. 441, as amended; 21 U.S.C. 451) is hereby amended to read:

"SEC. 2. Poultry and poultry products are an important source of the Nation's total supply of food. They are consumed throughout the Nation and the major portion thereof moves in interstate or foreign commerce. It is essential in the public interest that the health and welfare of consumers be protected by assuring that poultry products distributed to them are wholesome, not adulterated, and properly marked, labeled, and packaged. Unwholesome, adulterated, or misbranded poultry products impair the effective regulation of poultry products in interstate or foreign commerce, are injurious to the public welfare, destroy markets for wholesome, not adulterated, and properly labeled and packaged poultry products, and result in sundry losses to poultry producers and processors of poultry and poultry products, as well as injury to consumers. It is hereby found that all articles and poultry which are regulated under this Act are either in interstate or foreign commerce or substantially affect such commerce, and that regulation by the Secretary of Agriculture and cooperation by the States and other jurisdictions as contemplated by this Act are appropriate to prevent and eliminate burdens upon such commerce, to effectively regulate such commerce, and to protect the health and welfare of consumers."

71 Stat. 441.

SEC. 3. Section 3 of said Act (21 U.S.C. 452) is hereby amended to read:

"SEC. 3. It is hereby declared to be the policy of the Congress to provide for the inspection of poultry and poultry products and otherwise regulate the processing and distribution of such articles as hereinafter prescribed to prevent the movement or sale in interstate or foreign commerce of, or the burdening of such commerce by, poultry products which are adulterated or misbranded. It is the intent of Congress that when poultry and poultry products are condemned because of disease, the reason for condemnation in such instances shall be supported by scientific fact, information, or criteria, and such condemnation under this Act shall be achieved through uniform inspection standards and uniform applications thereof."

SEC. 4. Section 4 of said Act (21 U.S.C. 453) is hereby amended to read:

Definitions.

"SEC. 4. For purposes of this Act—

"(a) The term 'commerce' means commerce between any State, any territory, or the District of Columbia, and any place outside thereof; or within any territory not organized with a legislative body, or the District of Columbia.

"(b) Except as otherwise provided in this Act, the term 'State' means any State of the United States and the Commonwealth of Puerto Rico.

"(c) The term 'territory' means Guam, the Virgin Islands of the United States, American Samoa, and any other territory or possession of the United States, excluding the Canal Zone.

"(d) The term 'United States' means the States, the District of Columbia, and the territories of the United States.

"(e) The term 'poultry' means any domesticated bird, whether live or dead.

"(f) The term 'poultry product' means any poultry carcass, or part thereof; or any product which is made wholly or in part from any poultry carcass or part thereof, excepting products which contain poultry ingredients only in a relatively small proportion or historically have not been considered by consumers as products of the poultry food industry, and which are exempted by the Secretary from definition as a poultry product under such conditions as the Secretary may prescribe to assure that the poultry ingredients in such products are not adulterated and that such products are not represented as poultry products.

"Adulterated."

"(g) The term 'adulterated' shall apply to any poultry product under one or more of the following circumstances:

"(1) if it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;

"(2)(A) if it bears or contains (by reason of administration of any substance to the live poultry or otherwise) any added poisonous or added deleterious substance (other than one which is (i) a pesticide chemical in or on a raw agricultural commodity; (ii) a food additive; or (iii) a color additive) which may, in the judgment of the Secretary, make such article unfit for human food;

"(B) if it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act;

68 Stat. 511.
21 USC 346a.

"(C) if it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act;

72 Stat. 1785.
21 USC 348.

"(D) if it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug, and Cosmetic Act: *Provided*, That an article which is not otherwise deemed adulterated under clause (B), (C), or (D) shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive in or on such article is prohibited by regulations of the Secretary in official establishments;

74 Stat. 399.
21 USC 376.

"(3) if it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food;

"(4) if it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

"(5) if it is, in whole or in part, the product of any poultry which has died otherwise than by slaughter;

"(6) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

"(7) if it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act; or

"(8) if any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

"(h) The term 'misbranded' shall apply to any poultry product under one or more of the following circumstances:

"Misbranded."

"(1) if its labeling is false or misleading in any particular;

"(2) if it is offered for sale under the name of another food;

"(3) if it is an imitation of another food, unless its label bears,

in type of uniform size and prominence, the word 'imitation' and immediately thereafter, the name of the food imitated;

"(4) if its container is so made, formed, or filled as to be misleading;

"(5) unless it bears a label showing (A) the name and the place of business of the manufacturer, packer, or distributor; and (B) an accurate statement of the quantity of the product in terms of weight, measure, or numerical count: *Provided*, That under clause (B) of this subparagraph (5), reasonable variations may be permitted, and exemptions as to small packages or articles not in packages or other containers may be established by regulations prescribed by the Secretary;

"(6) if any word, statement, or other information required by or under authority of this Act to appear on the label or other labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

"(7) if it purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by regulations of the Secretary under section 8 of this Act unless (A) it conforms to such definition and standard, and (B) its label bears the name of the food specified in the definition and standard and, insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food;

"(8) if it purports to be or is represented as a food for which a standard or standards of fill of container have been prescribed by regulations of the Secretary under section 8 of this Act, and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard;

"(9) if it is not subject to the provisions of subparagraph (7), unless its label bears (A) the common or usual name of the food, if any there be, and (B) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings may, when authorized by the Secretary, be designated as spices, flavorings, and colorings without naming each: *Provided*, That to the extent that compliance with the requirements of clause (B) of this subparagraph (9) is impracticable or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the Secretary;

"(10) if it purports to be or is represented for special dietary uses unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the Secretary, after consultation with the Secretary of Health, Education, and Welfare, determines to be, and by regulations prescribes as, necessary in order fully to inform purchasers as to its value for such uses;

“(11) if it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact: *Provided*, That, to the extent that compliance with the requirements of this subparagraph (11) is impracticable, exemptions shall be established by regulations promulgated by the Secretary; or

“(12) if it fails to bear on its containers, and in the case of nonconsumer packaged carcasses (if the Secretary so requires) directly thereon, as the Secretary may by regulations prescribe, the official inspection legend and official establishment number of the establishment where the article was processed, and, unrestricted by any of the foregoing, such other information as the Secretary may require in such regulations to assure that it will not have false or misleading labeling and that the public will be informed of the manner of handling required to maintain the article in a wholesome condition.

“(i) The term ‘Secretary’ means the Secretary of Agriculture or his delegate.

“(j) The term ‘person’ means any individual, partnership, corporation, association, or other business unit.

“(k) The term ‘inspector’ means: (1) an employee or official of the United States Government authorized by the Secretary to inspect poultry and poultry products under the authority of this Act, or (2) any employee or official of the government of any State or territory or the District of Columbia authorized by the Secretary to inspect poultry and poultry products under authority of this Act, under an agreement entered into between the Secretary and the appropriate State or other agency.

“(l) The term ‘official mark’ means the official inspection legend or any other symbol prescribed by regulation of the Secretary to identify the status of any article or poultry under this Act.

“(m) The term ‘official inspection legend’ means any symbol prescribed by regulations of the Secretary showing that an article was inspected for wholesomeness in accordance with this Act.

“(n) The term ‘official certificate’ means any certificate prescribed by regulations of the Secretary for issuance by an inspector or other person performing official functions under this Act.

“(o) The term ‘official device’ means any device prescribed or authorized by the Secretary for use in applying any official mark.

“(p) The term ‘official establishment’ means any establishment as determined by the Secretary at which inspection of the slaughter of poultry, or the processing of poultry products, is maintained under the authority of this Act.

“(q) The term ‘inspection service’ means the official Government service within the Department of Agriculture designated by the Secretary as having the responsibility for carrying out the provisions of this Act.

“(r) The term ‘container’ or ‘package’ includes any box, can, tin, cloth, plastic, or other receptacle, wrapper, or cover.

“(s) The term ‘label’ means a display of written, printed, or graphic matter upon any article or the immediate container (not including packaged liners) of any article; and the term ‘labeling’ means all labels and other written, printed, or graphic matter (1) upon any article or any of its containers or wrappers, or (2) accompanying such article.

“(t) The term ‘shipping container’ means any container used or intended for use in packaging the product packed in an immediate container.

“(u) The term ‘immediate container’ includes any consumer package; or any other container in which poultry products, not consumer packaged, are packed.

“(v) The term ‘capable of use as human food’ shall apply to any carcass, or part or product of a carcass, of any poultry, unless it is denatured or otherwise identified as required by regulations prescribed by the Secretary to deter its use as human food, or it is naturally inedible by humans.

“(w) The term ‘processed’ means slaughtered, canned, salted, stuffed, rendered, boned, cut up, or otherwise manufactured or processed.

21 USC 301.

“(x) The term ‘Federal Food, Drug, and Cosmetic Act’ means the Act so entitled, approved June 25, 1938 (52 Stat. 1040), and Acts amendatory thereof or supplementary thereto.

“(y) The terms ‘pesticide chemical’, ‘food additive’, ‘color additive’, and ‘raw agricultural commodity’ shall have the same meanings for purposes of this Act as under the Federal Food, Drug, and Cosmetic Act.

“(z) The term ‘poultry products broker’ means any person engaged in the business of buying or selling poultry products on commission, or otherwise negotiating purchases or sales of such articles other than for his own account or as an employee of another person.

“(aa) The term ‘renderer’ means any person engaged in the business of rendering carcasses, or parts or products of the carcasses, of poultry, except rendering conducted under inspection or exemption under this Act.

“(bb) The term ‘animal food manufacturer’ means any person engaged in the business of manufacturing or processing animal food derived wholly or in part from carcasses, or parts or products of the carcasses, of poultry.”

71 Stat. 443.

SEC. 5. Section 5 of said Act (21 U.S.C. 454) is hereby amended to read:

“SEC. 5. (a) It is the policy of the Congress to protect the consuming public from poultry products that are adulterated or misbranded and to assist in efforts by State and other government agencies to accomplish this objective. In furtherance of this policy—

“(1) The Secretary is authorized, whenever he determines that it would effectuate the purposes of this Act, to cooperate with the appropriate State agency in developing and administering a State poultry product inspection program in any State which has enacted a mandatory State poultry product inspection law that imposes ante mortem and post mortem inspection, reinspection and sanitation requirements that are at least equal to those under this Act, with respect to all or certain classes of persons engaged in the State in slaughtering poultry or processing poultry products for use as human food solely for distribution within such State.

“(2) The Secretary is further authorized, whenever he determines that it would effectuate the purposes of this Act, to cooperate with appropriate State agencies in developing and administering State programs under State laws containing authorities at least equal to those provided in section 11 of this Act; and to cooperate with other agencies of the United States in carrying out any provisions of this Act. In carrying out the provisions of this Act, the Secretary may conduct such examinations, investigations, and inspections as he determines practicable through any officer or employee of any State or Territory or the District of Columbia commissioned by the Secretary for such purpose.

Post, p. 801.

“(3) Cooperation with State agencies under this section may include furnishing to the appropriate State agency (i) advisory assistance in planning and otherwise developing an adequate State program under the State law; and (ii) technical and laboratory assistance and training (including necessary curricular and instructional materials and equipment), and financial and other aid for administration of such a program. The amount to be contributed to any State by the Secretary under this section from Federal funds for any year shall not exceed 50 per centum of the estimated total cost of the cooperative program; and the Federal funds shall be allocated among the States desiring to cooperate on an equitable basis. Such cooperation and payment shall be contingent at all times upon the administration of the State program in a manner which the Secretary, in consultation with the appropriate advisory committee appointed under subparagraph (4), deems adequate to effectuate the purposes of this section.

Cooperation
with State agen-
cies.

“(4) The Secretary may appoint advisory committees consisting of such representatives of appropriate State agencies as the Secretary and the State agencies may designate to consult with him concerning State and Federal programs with respect to poultry product inspection and other matters within the scope of this Act, including evaluating State programs for purposes of this Act and obtaining better coordination and more uniformity among the State programs and between the Federal and State programs and adequate protection of consumers.

Advisory com-
mittees.

“(b) The appropriate State agency with which the Secretary may cooperate under this Act shall be a single agency in the State which is primarily responsible for the coordination of the State programs having objectives similar to those under this Act. When the State program includes performance of certain functions by a municipality or other subordinate governmental unit, such unit shall be deemed to be a part of the State agency for purposes of this section.

“(c) (1) If the Secretary has reason to believe, by thirty days prior to the expiration of two years after enactment of the Wholesome Poultry Products Act, that a State has failed to develop or is not enforcing, with respect to all establishments within its jurisdiction (except those that would be exempted from Federal inspection under subparagraph (2) of this paragraph (c)) at which poultry are slaughtered, or poultry products are processed for use as human food, solely for distribution within such State, and the products of such establishments, requirements at least equal to those imposed under sections 1-4, 6-10, and 12-22 of this Act, he shall promptly notify the Governor of the State of this fact. If the Secretary determines, after consultation with the Governor of the State, or representative selected by him, that such requirements have not been developed and activated, he shall promptly after the expiration of such two-year period designate such State as one in which the provisions of said sections of this Act shall apply to operations and transactions wholly within such State: *Provided*, That if the Secretary has reason to believe that the State will activate such requirements within one additional year, he may delay such designation for said period, and not designate the State, if he determines at the end of the year that the State then has such requirements in effective operation. The Secretary shall publish any such designation in the Federal Register and, upon the expiration of thirty days after such publication, the provisions of said sections of this Act shall apply to operations and transactions and to persons engaged therein in the State to the same extent and in the same manner as if such operations and transactions were conducted in or for commerce. However, notwithstanding any

Publication in
Federal Register.

other provision of this section, if the Secretary determines that any establishment within a State is producing adulterated poultry products for distribution within such State which would clearly endanger the public health he shall notify the Governor of the State and the appropriate advisory committee provided for by subparagraph (a) (4) of this section of such fact for effective action under State or local law. If the State does not take action to prevent such endangering of the public health within a reasonable time after such notice, as determined by the Secretary, in light of the risk to public health, the Secretary may forthwith designate any such establishment as subject to the provisions of said sections of this Act, and thereupon the establishment and operator thereof shall be subject to such provisions as though engaged in commerce until such time as the Secretary determines that such State has developed and will enforce requirements at least equal to those imposed under said sections.

"(2) The provisions of this Act requiring inspection of the slaughter of poultry and the processing of poultry products shall not apply to operations of types traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store or restaurant or similar retail-type establishment for sale in normal retail quantities or service of such articles to consumers at such establishments if such establishments are subject to such inspection provisions only under this paragraph (c).

"(3) Whenever the Secretary determines that any State designated under this paragraph (c) has developed and will enforce State poultry products inspection requirements at least equal to those imposed under the aforesaid sections of this Act, with respect to the operations and transactions within such State which are regulated under subparagraph (1) of this paragraph (c), he shall terminate the designation of such State under this paragraph (c), but this shall not preclude the subsequent redesignation of the State at any time upon thirty days' notice to the Governor and publication in the Federal Register in accordance with this paragraph, and any State may be designated upon such notice and publication, at any time after the period specified in this paragraph whether or not the State has theretofore been designated, upon the Secretary determining that it is not effectively enforcing requirements at least equal to those imposed under said sections.

"(4) The Secretary shall promptly upon enactment of the Wholesome Poultry Products Act, and periodically thereafter, but at least annually, review the requirements, including the enforcement thereof, of the several States not designated under this paragraph (c), with respect to the slaughter, and the processing, storage, handling, and distribution of poultry products, and inspection of such operations, and annually report thereon to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate in the report required in section 27 of this Act.

"(d) As used in this section, the term 'State' means any State (including the Commonwealth of Puerto Rico) or organized territory."

SEC. 6. Section 6 of said Act (21 U.S.C. 455) is hereby amended as follows:

(a) Paragraph (a) is amended to read:

"(a) For the purpose of preventing the entry into or flow or movement in commerce of, or the burdening of commerce by, any poultry product which is capable of use as human food and is adulterated, the Secretary shall, where and to the extent considered by him necessary, cause to be made by inspectors ante mortem inspection of poultry in each official establishment processing poultry or poultry products for commerce or otherwise subject to inspection under this Act."

Requirements
review.

Reports to con-
gressional com-
mittees.

Post, p. 807.
"State."

71 Stat. 443.

(b) Paragraph (b) is amended by deleting the phrase "in, or for marketing in a designated city or area" and substituting the phrase "otherwise subject to inspection under this Act"; by inserting the word "and" before the word "reinspection"; and by inserting the phrase "capable of use as human food" after the phrase "poultry products" the first time the latter phrase appears in the paragraph.

(c) Paragraph (c) is amended by deleting the phrase "unwholesome or" and the phrase "not unwholesome and" each time they appear therein; and by inserting the word "other" before the phrase "poultry products".

SEC. 7. In section 7 of said Act (21 U.S.C. 456) paragraph (a) is hereby amended by deleting the phrase "in or for marketing in a designating major consuming area" and substituting the phrase "otherwise subject to inspection under this Act"; by deleting the phrase "in a designated major consuming area" and substituting the phrase "burdensome effect upon commerce"; and by deleting the phrase "unwholesome or".

71 Stat. 444.

SEC. 8. Section 8 of said Act (21 U.S.C. 457) is hereby amended to read:

"SEC. 8. (a) All poultry products inspected at any official establishment under the authority of this Act and found to be not adulterated, shall at the time they leave the establishment bear, in distinctly legible form, on their shipping containers and immediate containers as the Secretary may require, the information required under paragraph (h) of section 4 of this Act. In addition, the Secretary whenever he determines such action is practicable and necessary for the protection of the public, may require nonconsumer packaged carcasses at the time they leave the establishment to bear directly thereon in distinctly legible form any information required under such paragraph (h).

Ante, p. 793.

"(b) The Secretary, whenever he determines such action is necessary for the protection of the public, may prescribe: (1) the styles and sizes of type to be used with respect to material required to be incorporated in labeling to avoid false or misleading labeling in marking and labeling any articles or poultry subject to this Act; (2) definitions and standards of identity or composition or articles subject to this Act and standards of fill of container for such articles not inconsistent with any such standards established under the Federal Food, Drug, and Cosmetic Act, and there shall be consultation between the Secretary and the Secretary of Health, Education, and Welfare prior to the issuance of such standards under either Act relating to articles subject to this Act to avoid inconsistency in such standards and possible impairment of the coordinated effective administration of these Acts. There shall also be consultation between the Secretary and an appropriate advisory committee provided for in section 5 of this Act, prior to the issuance of such standards under this Act, to avoid, insofar as feasible, inconsistency between Federal and State standards.

52 Stat. 1040.
21 USC 301.*Ante*, p. 797.

"(c) No article subject to this Act shall be sold or offered for sale by any person in commerce, under any name or other marking or labeling which is false or misleading, or in any container of a misleading form or size, but established trade names and other marking and labeling and containers which are not false or misleading and which are approved by the Secretary are permitted.

"(d) If the Secretary has reason to believe that any marking or labeling or the size or form of any container in use or proposed for use with respect to any article subject to this Act is false or misleading in any particular, he may direct that such use be withheld unless the marking, labeling, or container is modified in such manner as he may prescribe so that it will not be false or misleading. If the person using

or proposing to use the marking, labeling, or container does not accept the determination of the Secretary, such person may request a hearing, but the use of the marking, labeling, or container shall, if the Secretary so directs, be withheld pending hearing and final determination by the Secretary. Any such determination by the Secretary shall be conclusive unless, within thirty days after receipt of notice of such final determination, the person adversely affected thereby appeals to the United States Court of Appeals for the circuit in which such person has its principal place of business or to the United States Court of Appeals for the District of Columbia Circuit. The provisions of section 204 of the Packers and Stockyards Act, 1921 (42 Stat. 162, as amended; 7 U.S.C. 194) shall be applicable to appeals taken under this section."

72 Stat. 944.

Prohibited acts.
71 Stat. 445.

SEC. 9. Section 9 of said Act (21 U.S.C. 458) is amended to read:

"SEC. 9. (a) No person shall—

"(1) slaughter any poultry or process any poultry products which are capable of use as human food at any establishment processing any such articles for commerce, except in compliance with the requirements of this Act;

"(2) sell, transport, offer for sale or transportation, or receive for transportation, in commerce, (A) any poultry products which are capable of use as human food and are adulterated or misbranded at the time of such sale, transportation, offer for sale or transportation, or receipt for transportation; or (B) any poultry products required to be inspected under this Act unless they have been so inspected and passed;

"(3) do, with respect to any poultry products which are capable of use as human food, any act while they are being transported in commerce or held for sale after such transportation, which is intended to cause or has the effect of causing such products to be adulterated or misbranded;

"(4) sell, transport, offer for sale or transportation, or receive for transportation, in commerce or from an official establishment, any slaughtered poultry from which the blood, feathers, feet, head, or viscera have not been removed in accordance with regulations promulgated by the Secretary, except as may be authorized by regulations of the Secretary;

"(5) use to his own advantage, or reveal other than to the authorized representatives of the United States Government or any State or other government in their official capacity, or as ordered by a court in any judicial proceedings, any information acquired under the authority of this Act concerning any matter which is entitled to protection as a trade secret.

"(b) No brand manufacturer, printer, or other person shall cast, print, lithograph, or otherwise make any device containing any official mark or simulation thereof, or any label bearing any such mark or simulation, or any form of official certificate or simulation thereof, except as authorized by the Secretary.

"(c) No person shall—

"(1) forge any official device, mark, or certificate;

"(2) without authorization from the Secretary use any official device, mark, or certificate, or simulation thereof, or alter, detach, deface, or destroy any official device, mark, or certificate;

"(3) contrary to the regulations prescribed by the Secretary, fail to use, or to detach, deface, or destroy any official device, mark, or certificate;

"(4) knowingly possess, without promptly notifying the Secretary or his representative, any official device or any counterfeit, simulated, forged, or improperly altered official certificate or any

device or label or any carcass of any poultry, or part or product thereof, bearing any counterfeit, simulated, forged, or improperly altered official mark;

“(5) knowingly make any false statement in any shipper’s certificate or other nonofficial or official certificate provided for in the regulations prescribed by the Secretary; or

“(6) knowingly represent that any article has been inspected and passed, or exempted, under this Act when, in fact, it has, respectively, not been so inspected and passed, or exempted.”

SEC. 10. Section 10 of said Act (21 U.S.C. 459) is hereby amended by deleting the phrase “in or for marketing in a designated major consuming area” and substituting the phrase “otherwise subject to this Act”.

71 Stat. 446.

SEC. 11. Section 11 of said Act (21 U.S.C. 460) is hereby amended to read:

“(a) Inspection shall not be provided under this Act at any establishment for the slaughter of poultry or the processing of any carcasses or parts or products of poultry, which are not intended for use as human food, but such articles shall, prior to their offer for sale or transportation in commerce, unless naturally inedible by humans, be denatured or otherwise identified as prescribed by regulations of the Secretary to deter their use for human food. No person shall buy, sell, transport, or offer for sale or transportation, or receive for transportation, in commerce, or import, any poultry carcasses or parts or products thereof which are not intended for use as human food unless they are denatured or otherwise identified as required by the regulations of the Secretary or are naturally inedible by humans.

“(b) The following classes of persons shall, for such period of time as the Secretary may by regulations prescribe, not to exceed two years unless otherwise directed by the Secretary for good cause shown, keep such records as are properly necessary for the effective enforcement of this Act in order to insure against adulterated or misbranded poultry products for the American consumer; and all persons subject to such requirements shall, at all reasonable times, upon notice by a duly authorized representative of the Secretary, afford such representative access to their places of business and opportunity to examine the facilities, inventory, and records thereof, to copy all such records, and to take reasonable samples of their inventory upon payment of the fair market value therefor—

Recordkeeping.

Records, access.

“(1) Any person that engages in the business of slaughtering any poultry or processing, freezing, packaging, or labeling any carcasses, or parts or products of carcasses, of any poultry, for commerce, for use as human food or animal food;

“(2) Any person that engages in the business of buying or selling (as poultry products brokers, wholesalers or otherwise), or transporting, in commerce, or storing in or for commerce, or importing, any carcasses, or parts or products of carcasses, of any poultry;

“(3) Any person that engages in business, in or for commerce, as a renderer, or engages in the business of buying, selling, or transporting, in commerce, or importing, any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter.

“(c) No person shall engage in business, in or for commerce, as a poultry products broker, renderer, or animal food manufacturer, or engage in business in commerce as a wholesaler of any carcasses, or parts or products of the carcasses, of any poultry, whether intended for human food or other purposes, or engage in business as a public warehouseman storing any such articles in or for commerce, or engage

in the business of buying, selling, or transporting in commerce, or importing, any dead, dying, disabled, or diseased poultry, or parts of the carcasses of any poultry that died otherwise than by slaughter, unless, when required by regulations of the Secretary, he has registered with the Secretary his name, and the address of each place of business at which, and all trade names under which, he conducts such business.

“(d) No person engaged in the business of buying, selling, or transporting in commerce, or importing, dead, dying, disabled, or diseased poultry, or any parts of the carcasses of any poultry that died otherwise than by slaughter, shall buy, sell, transport, offer for sale or transportation, or receive for transportation, in commerce, or import, any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter, unless such transaction, transportation or importation is made in accordance with such regulations as the Secretary may prescribe to assure that such poultry, or the unwholesome parts or products thereof, will be prevented from being used for human food.

“(e) The authority conferred on the Secretary by paragraph (b), (c), or (d) of this section with respect to persons engaged in the specified kinds of business in or for commerce may be exercised with respect to persons engaged, in any State or organized territory, in such kinds of business but not in or for commerce, whenever the Secretary determines, after consultation with an appropriate advisory committee provided for in section 5 of this Act, that the State or territory does not have at least equal authority under its laws or such authority is not exercised in a manner to effectuate the purposes of this Act, including the State or territory providing for the Secretary or his representative being afforded access to such places of business and the facilities, inventories, and records thereof, and the taking of reasonable samples, where he determines necessary in carrying out his responsibilities under this Act; and in such case the provisions of paragraph (b), (c), or (d) of this section, respectively, shall apply to such persons to the same extent and in the same manner as if they were engaged in such business in or for commerce and the transactions involved were in commerce.”

Ante, p. 797.

Penalties.
71 Stat. 446.

SEC. 12. Section 12 of said Act (21 U.S.C. 461) is hereby amended as follows:

(a) Paragraph (a) is amended by changing the first sentence to read:

“Any person who violates the provisions of section 9, 10, 11, 14, or 17 of this Act shall be fined not more than \$1,000 or imprisoned not more than one year, or both; but if such violation involves intent to defraud, or any distribution or attempted distribution of an article that is adulterated (except as defined in section 4(g)(8) of this Act), such person shall be fined not more than \$10,000 or imprisoned not more than three years, or both.”

Ante, p. 793.

(b) Paragraph (b) is amended by deleting the phrase “not otherwise eligible” and substituting the phrase “otherwise not eligible”; by deleting the word “slaughtered” each time it appears; and by adding the following before the period at the end of the paragraph: “or unless the carrier refuses to furnish on request of a representative of the Secretary the name and address of the person from whom he received such poultry or poultry products, and copies of all documents, if any there be, pertaining to the delivery of the poultry or poultry products to such carrier”.

(c) A new paragraph (c) is added to read:

“(c) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this Act shall

be fined not more than \$5,000 or imprisoned not more than three years, or both. Whoever, in the commission of any such acts, uses a deadly or dangerous weapon, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both. Whoever kills any person while engaged in or on account of the performance of his official duties under this Act shall be punished as provided under sections 1111 and 1114 of title 18, United States Code."

SEC. 13. (a) Section 14 of said Act (21 U.S.C. 463) is hereby amended by designating the present provisions thereof as paragraph (b); by inserting the word "other" before the word "rules" in said paragraph; and by adding a new paragraph (a) to read:

"(a) The Secretary may by regulations prescribe conditions under which poultry products capable of use as human food, shall be stored or otherwise handled by any person engaged in the business of buying, selling, freezing, storing, or transporting, in or for commerce, or importing, such articles, whenever the Secretary deems such action necessary to assure that such articles will not be adulterated or misbranded when delivered to the consumer. Violation of any such regulation is prohibited.

(b) Section 14 of said Act is further amended by inserting at the end thereof the following new subsection:

"(c) In applying the provisions of section 553(c) of title 5, United States Code, to proposed rule making under this Act, an opportunity for the oral presentation of views shall be accorded all interested persons."

SEC. 14. Section 15 of said Act (21 U.S.C. 464) is hereby amended as follows:

(a) In paragraph (a), subparagraph (1) is deleted and subparagraphs (2), (3), and (4) are redesignated, respectively, as subparagraphs (1), (2), and (3);

(b) In paragraph (a), in redesignated subparagraph (2) (formerly (3)), the date "July 1, 1960" is deleted and the date "January 1, 1970" is substituted therefor;

(c) Paragraph (b) is redesignated as paragraph (e) and new paragraphs (b), (c), and (d) are added to read:

"(b) The Secretary may, under such sanitary conditions as he may by regulations prescribe, exempt from the inspection requirements of this Act the slaughter of poultry, and the processing of poultry products, by any person in any Territory not organized with a legislative body, solely for distribution within such Territory, when the Secretary determines that it is impracticable to provide such inspection within the limits of funds appropriated for administration of this Act and that such exemption will aid in the effective administration of this Act.

"(c)(1) The Secretary shall, by regulation and under such conditions, including sanitary standards, practices, and procedures, as he may prescribe, exempt from specific provisions of this Act—

"(A) the slaughtering by any person of poultry of his own raising, and the processing by him and transportation in commerce of the poultry products exclusively for use by him and members of his household and his nonpaying guests and employees;

"(B) the custom slaughter by any person of poultry delivered by the owner thereof for such slaughter, and the processing by such slaughterer and transportation in commerce of the poultry products exclusively for use, in the household of such owner, by him and members of his household and his nonpaying guests and employees: *Provided*, That such custom slaughterer does not

62 Stat. 756;
76 Stat. 132.
Regulations.
71 Stat. 447.

80 Stat. 383.

Exemption.

Exemptions.

engage in the business of buying or selling any poultry products capable of use as human food;

"(C) the slaughtering and processing of poultry products in any State or Territory or the District of Columbia by any poultry producer on his own premises with respect to sound and healthy poultry raised on his premises and the distribution by any person solely within such jurisdiction of the poultry products derived from such operations, if, in lieu of other labeling requirements, such poultry products are identified with the name and address of such poultry producer, and if they are not otherwise misbranded, and are sound, clean, and fit for human food when so distributed; and

"(D) the slaughtering of sound and healthy poultry or the processing of poultry products of such poultry in any State or territory or the District of Columbia by any poultry producer or other person for distribution by him solely within such jurisdiction directly to household consumers, restaurants, hotels, and boarding houses, for use in their own dining rooms, or in the preparation of meals for sales direct to consumers, if, in lieu of other labeling requirements, such poultry products are identified with the name and address of the processor, and if they are not otherwise misbranded and are sound, clean, and fit for human food when distributed by such processor.

The exemptions provided for in clauses (C) and (D) above shall not apply if the poultry producer or other person engages in the current calendar year in the business of buying or selling any poultry or poultry products other than as specified in such clauses.

"(2) In addition to the specific exemptions provided herein, the Secretary shall, when he determines that the protection of consumers from adulterated or misbranded poultry products will not be impaired by such action, provide by regulation, consistent with subparagraph (3), for the exemption of the operation and products of small enterprises (including poultry producers), not exempted under subparagraph (1), which are engaged in any State or Territory or the District of Columbia in slaughtering and/or cutting up poultry for distribution as carcasses or parts thereof solely for distribution within such jurisdiction, from such provisions of this Act as he deems appropriate, while still protecting the public from adulterated or misbranded products, under such conditions, including sanitary requirements, as he shall prescribe to effectuate the purposes of this Act.

"(3) No exemption under subparagraph (1) (C) or (D) or subparagraph (2) shall apply to any poultry producer or other person who slaughters or processes the products of more than 5,000 turkeys or an equivalent number of poultry of all species in the current calendar year (four birds of other species being deemed the equivalent of one turkey).

"(4) The provisions of this Act shall not apply to poultry producers with respect to poultry of their own raising on their own farms if (i) such producers slaughter not more than 250 turkeys, or not more than an equivalent number of birds of all species during the calendar year for which this exemption is being determined (four birds of other species being deemed the equivalent of one turkey); (ii) such poultry producers do not engage in buying or selling poultry products other than those produced from poultry raised on their own farms; and (iii) none of such poultry moves in commerce (as defined in section 4(a) of this Act).

"(d) The adulteration and misbranding provisions of this Act, other than the requirement of the inspection legend, shall apply to articles which are exempted from inspection under this section, except as otherwise specified under paragraphs (a) and (c)."

SEC. 15. Section 16 of said Act (21 U.S.C. 465) is hereby amended to read:

71 Stat. 447.

"SEC. 16. The Secretary may limit the entry of poultry products and other materials into any official establishment, under such conditions as he may prescribe to assure that allowing the entry of such articles into such inspected establishments will be consistent with the purposes of this Act."

SEC. 16. Section 18 of said Act (21 U.S.C. 467) is hereby amended to read:

Inspection services.

"SEC. 18. (a) The Secretary may (for such period, or indefinitely, as he deems necessary to effectuate the purposes of this Act) refuse to provide, or withdraw, inspection service under this Act with respect to any establishment if he determines, after opportunity for a hearing is accorded to the applicant for, or recipient of, such service, that such applicant or recipient is unfit to engage in any business requiring inspection upon this Act because the applicant or recipient or anyone responsibly connected with the applicant or recipient, has been convicted, in any Federal or State court, within the previous ten years of (1) any felony or more than one misdemeanor under any law based upon the acquiring, handling, or distributing of adulterated, mislabeled, or deceptively packaged food or fraud in connection with transactions in food; or (2) any felony, involving fraud, bribery, extortion, or any other act or circumstances indicating a lack of the integrity needed for the conduct of operations affecting the public health. For the purpose of this paragraph a person shall be deemed to be responsibly connected with the business if he was a partner, officer, director, holder, or owner of 10 per centum or more of its voting stock or employee in a managerial or executive capacity.

"(b) Upon the withdrawal of inspection service from any official establishment for failure to destroy condemned poultry products as required under section 6 of this Act, or other failure of an official establishment to comply with the requirements as to premises, facilities, or equipment, or the operation thereof, as provided in section 7 of this Act, or the refusal of inspection service to any applicant therefor because of failure to comply with any requirements under section 7, the applicant for, or recipient of, the service shall, upon request, be afforded opportunity for a hearing with respect to the merits or validity of such action; but such withdrawal or refusal shall continue in effect unless otherwise ordered by the Secretary.

Hearing.

Ante, p. 798.

Ante, p. 799.

"(c) The determination and order of the Secretary when made after opportunity for hearing, with respect to withdrawal or refusal of inspection service under this Act shall be final and conclusive unless the affected applicant for, or recipient of, inspection service files application for judicial review within thirty days after the effective date of such order in the United States Court of Appeals as provided in section 8 of this Act. Judicial review of any such order shall be upon the record upon which the determination and order are based. The provisions of section 204 of the Packers and Stockyards Act of 1921, as amended, shall be applicable to appeals taken under this section."

Judicial review.

SEC. 17. Sections 19 through 22 of said Act (21 U.S.C. 468, 469, 451 note) are hereby redesignated as sections 25, 26, 28, and 29, respectively, and new sections 19, 20, 21, 22, 23, 24, and 27 are added to the Act to read, respectively:

42 Stat. 162;
72 Stat. 944.
7 USC 194.

"SEC. 19. Whenever any poultry product, or any product exempted from the definition of a poultry product, or any dead, dying, disabled, or diseased poultry is found by any authorized representative of the Secretary upon any premises where it is held for purposes of, or during or after distribution in, commerce or otherwise subject to this Act, and there is reason to believe that any such article is adulterated or mis-

Poultry products, detention.

branded and is capable of use as human food, or that it has not been inspected, in violation of the provisions of this Act or of any other Federal law or the laws of any State or Territory, or the District of Columbia, or that it has been or is intended to be, distributed in violation of any such provisions, it may be detained by such representative for a period not to exceed twenty days, pending action under section 20 of this Act or notification of any Federal, State, or other governmental authorities having jurisdiction over such article or poultry, and shall not be moved by any person, from the place at which it is located when so detained, until released by such representative. All official marks may be required by such representative to be removed from such article or poultry before it is released unless it appears to the satisfaction of the Secretary that the article or poultry is eligible to retain such marks.

Poultry products, seizure, condemnation, and disposal.

"SEC. 20. (a) Any poultry product, or any dead, dying, disabled, or diseased poultry, that is being transported in commerce or otherwise subject to this Act, or is held for sale in the United States after such transportation, and that (1) is or has been processed, sold, transported, or otherwise distributed or offered or received for distribution in violation of this Act, or (2) is capable of use as human food and is adulterated or misbranded, or (3) in any other way is in violation of this Act, shall be liable to be proceeded against and seized and condemned, at any time, on a libel of information in any United States district court or other proper court as provided in section 21 of this Act within the jurisdiction of which the article or poultry is found. If the article or poultry is condemned it shall, after entry of the decree, be disposed of by destruction or sale as the court may direct and the proceeds, if sold, less the court costs and fees, and storage and other proper expenses, shall be paid into the Treasury of the United States, but the article or poultry shall not be sold contrary to the provisions of this Act, or the laws of the jurisdiction in which it is sold: *Provided*, That upon the execution and delivery of a good and sufficient bond conditioned that the article or poultry shall not be sold or otherwise disposed of contrary to the provisions of this Act, or the laws of the jurisdiction in which disposal is made, the court may direct that such article or poultry be delivered to the owner thereof subject to such supervision by authorized representatives of the Secretary as is necessary to insure compliance with the applicable laws. When a decree of condemnation is entered against the article or poultry and it is released under bond, or destroyed, court costs and fees, and storage and other proper expenses shall be awarded against the person, if any, intervening as claimant of the article or poultry. The proceedings in such libel cases shall conform, as nearly as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any case, and all such proceedings shall be at the suit of and in the name of the United States.

"(b) The provisions of this section shall in no way derogate from authority for condemnation or seizure conferred by other provisions of this Act, or other laws.

Courts, jurisdiction.

"SEC. 21. The United States district courts, the District Court of Guam, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States courts of the other territories, are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of, this Act, and shall have jurisdiction in all other kinds of cases arising under this Act, except as provided in section 8(d) or 18 of this Act. All proceedings for the enforcement or to restrain violations of this Act shall be by and in the name of the United States. Subpenas for witnesses who are required to attend a court of the United States, in any district, may run into any other district in any such proceeding.

Ante, pp. 799, 805.

"SEC. 22. For the efficient administration and enforcement of this Act, the provisions (including penalties) of sections 6, 8, 9, and 10 of the Federal Trade Commission Act, as amended (38 Stat. 721-723, as amended; 15 U.S.C. 46, 48, 49, and 50) (except paragraphs (c) through (h) of section 6 and the last paragraph of section 9), and the provisions of subsection 409(1) of the Communications Act of 1934 (48 Stat. 1096, as amended; 47 U.S.C. 409(1)), are made applicable to the jurisdiction, powers, and duties of the Secretary in administering and enforcing the provisions of this Act and to any person with respect to whom such authority is exercised. The Secretary, in person or by such agents as he may designate, may prosecute any inquiry necessary to his duties under this Act in any part of the United States, and the powers conferred by said sections 9 and 10 of the Federal Trade Commission Act as amended on the district courts of the United States may be exercised for the purposes of this Act by any court designated in section 21 of this Act.

66 Stat. 722.

"SEC. 23. Requirements within the scope of this Act with respect to premises, facilities and operations of any official establishment, which are in addition to, or different than those made under this Act may not be imposed by any State or Territory or the District of Columbia, except that any such jurisdiction may impose recordkeeping and other requirements within the scope of paragraph (b) of section 11 of this Act, if consistent therewith, with respect to any such establishment. Marking, labeling, packaging, or ingredient requirements (or storage or handling requirements found by the Secretary to unduly interfere with the free flow of poultry products in commerce) in addition to, or different than, those made under this Act may not be imposed by any State or Territory or the District of Columbia with respect to articles prepared at any official establishment in accordance with the requirements under this Act, but any State or Territory or the District of Columbia may, consistent with the requirements under this Act, exercise concurrent jurisdiction with the Secretary over articles required to be inspected under this Act, for the purpose of preventing the distribution for human food purposes of any such articles which are adulterated or misbranded and are outside of such an establishment, or, in the case of imported articles which are not at such an establishment, after their entry into the United States. This Act shall not preclude any State or Territory or the District of Columbia from making requirement or taking other action, consistent with this Act, with respect to any other matters regulated under this Act.

Ante, p. 801.

"SEC. 24. (a) Poultry and poultry products shall be exempt from the provisions of the Federal Food, Drug, and Cosmetic Act to the extent of the application or extension thereto of the provisions of this Act, except that the provisions of this Act shall not derogate from any authority conferred by the Federal Food, Drug, and Cosmetic Act prior to enactment of the Wholesome Poultry Products Act.

52 Stat. 1040.
21 USC 301.

"(b) The detainer authority conferred by section 19 of this Act shall apply to any authorized representative of the Secretary of Health, Education, and Welfare for purposes of the enforcement of the Federal Food, Drug, and Cosmetic Act with respect to any poultry carcass, or part or product thereof, that is outside any official establishment, and for such purposes the first reference to the Secretary in section 19 shall be deemed to refer to the Secretary of Health, Education, and Welfare.

Ante, p. 805.

"SEC. 27. The Secretary shall annually report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate with respect to the slaughter of poultry subject to this Act, and the preparation, storage, handling, and distribution of poultry parts, poultry products, and inspection of

Reports to congressional committees.

establishments operated in connection therewith, including the operations under and the effectiveness of this Act."

Ante, pp. 796-805.

SEC. 18. The heading "**Designation**" preceding section 5 of said Act is hereby amended to read "**Federal and State cooperation**"; the heading "**Labeling**" preceding section 8 of said Act is hereby amended to read "**Labeling and containers; standards**"; the heading "**Records of interstate shipment**" preceding section 11 of said Act is hereby amended to read "**Articles not intended for human food; record and related requirements for processors of poultry products and related industries engaged in commerce; registration requirements for related industries engaged in commerce; regulation of transactions in commerce in dead, dying, disabled, or diseased poultry and carcasses thereof; authority to regulate comparable intrastate activities**"; and the heading "**Violations by exempted persons**" preceding section 16 of said Act is hereby amended to read "**Entry of materials into official establishments.**"

Separability.

SEC. 19. If any provisions of this Act or of the amendments made hereby or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and the remaining amendments and of the application of such provision to other persons and circumstances shall not be affected thereby.

Effective date.

SEC. 20. This Act shall become effective upon enactment except as provided in paragraphs (a) through (c):

Ante, p. 800.

(a) The provisions of subparagraphs (a)(2)(A) and (a)(3) of section 9 of the Poultry Products Inspection Act, as amended by section 9 of this Act, shall become effective upon the expiration of sixty days after enactment hereof.

Ante, p. 803.

(b) Section 14 of this Act, amending section 15 of the Poultry Products Inspection Act, shall become effective upon the expiration of sixty days after enactment hereof.

Ante, p. 801.

(c) Paragraph 11(d) of the Poultry Products Inspection Act, as added by section 11 of this Act, shall become effective upon the expiration of sixty days after enactment hereof.

Approved August 18, 1968, 10:20 a.m.

Public Law 90-493

August 19, 1968
[H. R. 16027]

AN ACT

To amend title 38, United States Code, to provide increases in rates of compensation for disabled veterans, and for other purposes.

Veterans.
Disability com-
pensation, in-
crease.
79 Stat. 1154.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 314 of title 38, United States Code, is amended—

(1) by striking out "\$21" in subsection (a) and inserting in lieu thereof "\$23";

(2) by striking out "\$40" in subsection (b) and inserting in lieu thereof "\$43";

(3) by striking out "\$60" in subsection (c) and inserting in lieu thereof "\$65";

(4) by striking out "\$82" in subsection (d) and inserting in lieu thereof "\$89";

(5) by striking out "\$113" in subsection (e) and inserting in lieu thereof "\$122";

(6) by striking out "\$136" in subsection (f) and inserting in lieu thereof "\$147";

(7) by striking out "\$161" in subsection (g) and inserting in lieu thereof "\$174";

(8) by striking out "\$186" in subsection (h) and inserting in lieu thereof "\$201";

(9) by striking out "\$209" in subsection (i) and inserting in lieu thereof "\$226";

(10) by striking out "\$300" in subsection (j) and inserting in lieu thereof "\$400";

(11) by striking out "\$600" in subsections (k), (o), and (p) and inserting in lieu thereof "\$700";

(12) by striking out "\$400" in subsection (l) and inserting in lieu thereof "\$500";

(13) by striking out "\$450" in subsection (m) and inserting in lieu thereof "\$550";

(14) by striking out "\$525" in subsection (n) and inserting in lieu thereof "\$625";

(15) by striking out "\$250" in subsection (r) and inserting in lieu thereof "\$300";

(16) by striking out "\$350" in subsection (s) and inserting in lieu thereof "\$450";

(17) by striking out "\$400" in subsection (k) and inserting in lieu thereof "\$500".

81 Stat. 190.

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation pursuant to chapter 11 of title 38, United States Code.

Rate adjustments.

72 Stat. 1263.
38 USC note
prec. 101.
38 USC 301.

SEC. 2. The compensation payable pursuant to the amendments made by this Act shall be payable beginning with the first day of January 1969.

SEC. 3. (a) Section 617 of title 38, United States Code, is amended to read as follows:

78 Stat. 504;
81 Stat. 180.

"§ 617. Invalid lifts and other devices

"The Administrator may furnish an invalid lift, or any type of therapeutic or rehabilitative device, as well as other medical equipment and supplies (excluding medicines), if medically indicated, to any veteran who is receiving (1) compensation under subsections 314 (1)-(p) (or the comparable rates provided pursuant to section 334) of this title, or (2) pension under chapter 15 of this title by reason of being in need of regular aid and attendance."

72 Stat. 1123.
38 USC 501.

(b) The analysis of chapter 17 of title 38, United States Code, is amended by striking out

"Sec. 617. Invalid lifts and other devices for pensioners."

and inserting in lieu thereof the following:

"Sec. 617. Invalid lifts and other devices."

SEC. 4. (a) Section 314(q) and section 356 of title 38, United States Code, are hereby repealed.

Repeals.

(b) The repeals made by subsection (a) of this section shall not apply in the case of any veteran who, on the date of enactment of this Act, was receiving or entitled to receive compensation for tuberculosis which in the judgment of the Administrator had reached a condition of complete arrest.

SEC. 5. Any veteran determined by the Administrator of Veterans' Affairs to have received overpayments of educational benefits under former chapter 33 of title 38, United States Code, in connection with the institutional on-farm training program conducted by the Tangipahoa Parish School Board, Amite, Louisiana, shall be relieved of all liability to the United States for the amount of such overpayment,

Tangipahoa
Parish School
Board, La., over-
payments.
38 USC 1601.

remaining due on the effective date of this section, if he makes application for relief within two years following the date of enactment of this Act, and if the Administrator finds that such veteran—

(1) owned, or operated under a valid lease, a farm which met the requirements of the law and implementing Veterans' Administration regulations;

(2) was engaged in the cultivation of such farm and was not employed on a full-time basis in a non-farm occupation; and

(3) participated in the institutional instruction furnished by the Tangipahoa Parish School Board in connection with the institutional on-farm training program, even though such instruction may not have met all of the requirements of the law and implementing Veterans' Administration regulations.

In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

Approved August 19, 1968.

Public Law 90-494

August 20, 1968
[S. 633]

AN ACT

To promote the foreign policy of the United States by strengthening and improving the Foreign Service personnel system of the United States Information Agency through establishment of a Foreign Service Information Officer Corps.

Foreign Service
Information Officer
Corps.
Establishment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established a category of officers of the United States Information Agency (hereinafter referred to as "the Agency") to be known as Foreign Service information officers.

STATEMENT OF POLICY

SEC. 2. It is the sense of the Congress that the establishment of a permanent career service for officers of the Agency who serve our country throughout the world in a vital function of the foreign relations of the United States is essential to enable the Director of the United States Information Agency (hereinafter referred to as "the Director") to carry out effectively such functions and responsibilities assigned to the Agency.

STATEMENT OF PURPOSES

SEC. 3. The Congress of the United States hereby declares that the purposes of this Act are—

(a) to provide a statutory basis necessary for a worldwide career officer personnel system designed to meet the continuing needs of both the Agency and those qualified citizens who shall serve as Foreign Service information officers in this vital activity;

(b) to give the Director the full range of personnel authority necessary to establish and administer the Foreign Service Information Officer Corps;

(c) to regularize the personnel system of the Agency by establishing a career service in which qualified Foreign Service information officers may be recruited, trained, and serve;

(d) to assure maximum efficiency and flexibility in the utilization of the talents of Foreign Service information officers; and

(e) to accord Foreign Service information officers the same rights and perquisites and to subject them to the same stringent judgment of performance as Foreign Service officers employed under the provisions of the Foreign Service Act of 1946, as amended.

AUTHORITY OF THE DIRECTOR

60 Stat. 999.
22 USC 801
note.

SEC. 4. Foreign Service information officers shall be under the direction and authority of the Director of the Agency. Authority available to the Secretary of State with respect to Foreign Service officers shall be available on the same basis to the Director of the Agency with respect to Foreign Service information officers, except as provided in section 11 of this Act.

POLICIES AND REGULATIONS

SEC. 5. The Foreign Service information officer personnel system shall be compatible with the Foreign Service officer personnel system. Toward this end, the Director with respect to the Foreign Service information officer personnel system and the Secretary of State with respect to the Foreign Service officer personnel system, after consultation with such officials as the President may determine, shall promulgate policies and regulations governing such systems. Both systems shall be administered, to the extent practicable, in conformity with general policies and regulations of the Federal Government issued in accordance with law.

Personnel
systems.

APPOINTMENT AND ASSIGNMENT

SEC. 6. (a) Subject to section 4, Foreign Service information officers shall be appointed and assigned at classes and salaries, and in accordance with requirements and procedures, which correspond to those classes, salaries, requirements, and procedures, except with regard to career ambassadors, prescribed by sections 412, 413, 421, 422, 431(c), 432, 441, 500, 501(b), 502(b), 511, 514 through 520, 571 through 575, and 578 of the Foreign Service Act of 1946, as amended.

(b) The President shall, by and with the advice and consent of the Senate, appoint Career Ministers for Information.

60 Stat. 1003.
22 USC 867-968.
Career Ministers
for Information.

(c) The Secretary of State may, upon request of the Director, furnish the President with the names of Foreign Service information officers qualified for appointment to the class of Career Minister for Information, together with pertinent information about such officers, but no person shall be appointed into the class of Career Minister for Information who has not been appointed to serve in an Embassy as a Minister for Public Affairs or appointed or assigned to serve in a position which, in the opinion of the Director, is of comparable importance. A list of such positions shall from time to time be published by the Director.

Names of quali-
fied officers.

(d) The per annum salary of a Career Minister for Information shall be the same as that provided by section 412 of the Foreign Service Act of 1946, as amended, for the class of Career Minister.

Position lists,
publication.

78 Stat. 411;
81 Stat. 632.
22 USC 867.

PROMOTION

SEC. 7. Foreign Service information officers shall be promoted in accordance with the provisions of sections 621 through 623, and 626 of the Foreign Service Act of 1946, as amended, and shall receive within-class salary increases in accordance with section 625 of such Act.

74 Stat. 834.
22 USC 991-996.

SEPARATION AND RETIREMENT

SEC. 8. Foreign Service information officers shall be separated and retired in accordance with sections 631 through 637 of the Foreign Service Act of 1946, as amended.

22 USC 1001-1007.

PARTICIPATION IN THE FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM

SEC. 9. (a) Foreign Service information officers shall be participants in and entitled to the benefits of the Foreign Service retirement and disability system under title VIII of the Foreign Service Act of 1946, as amended, on the same basis as Foreign Service officers. Any such Foreign Service information officer who becomes a participant in such system shall make contributions to the Foreign Service retirement and disability fund on the same basis as Foreign Service officers.

22 USC 1061-1121.

(b) In accordance with such regulations as the President may prescribe, any Foreign Service Staff officer or employee appointed by the Agency who has completed at least ten years of continuous service, exclusive of military service, in the Foreign Service of the Agency shall become a participant in the Foreign Service retirement and disability system and shall make a special contribution to the Foreign Service retirement and disability fund in accordance with the provisions of section 852 of the Foreign Service Act of 1946, as amended.

74 Stat. 844.
22 USC 1092.
Mandatory retirement.

(c) Any such officer or employee who, under the provisions of paragraph (b) of this section, becomes a participant in the Foreign Service retirement and disability system, shall be mandatorily retired for age during the third year after the effective date of that paragraph if he attains age sixty-four or if he is over age sixty-four; during the fourth year at age sixty-three; during the fifth year at age sixty-two; during the sixth year at age sixty-one, and thereafter at age sixty.

Voluntary retirement.

(d) Any officer or employee who becomes a participant in the Foreign Service retirement and disability system under the provisions of paragraph (b) of this section who is age fifty-seven or over on the effective date of that paragraph, may retire voluntarily at any time before mandatory retirement under paragraph (c) of this section and receive retirement benefits under section 821 of the Foreign Service Act of 1946, as amended.

74 Stat. 839,
840; 79 Stat. 1131.
22 USC 1076.
Effective dates.

(e) The provisions of paragraph (b) of this section becomes effective on the first day of the first month which begins more than one year after the date of enactment of this Act, except that any Foreign Service Staff officer or employee, who at the time this Act becomes effective meets the requirements for participation in the Foreign Service retirement and disability system, may elect to become a participant in the system before the mandatory provisions become effective. Such Foreign Service Staff officers and employees shall become participants effective on the first day of the second month following the date of their application for earlier participation.

OTHER APPLICABLE PROVISIONS OF LAW

SEC. 10. All other provisions of the Foreign Service Act of 1946, as amended, or of any other law, which apply to Foreign Service officers and are not referred to above, shall be applicable to Foreign Service information officers.

60 Stat. 999.
22 USC 801
note.

COMMISSIONING AND ASSIGNMENT AS DIPLOMATIC AND CONSULAR OFFICERS

SEC. 11. (a) The Secretary of State may, upon request of the Director, recommend to the President that Foreign Service information officers be commissioned as diplomatic or consular officers, or both, in accordance with section 512 of the Foreign Service Act of 1946, as amended.

(b) The Secretary of State may, upon request of the Director, assign Foreign Service information officers, commissioned as diplomatic or consular officers, to serve under such commissions in accordance with sections 512 and 514 of the Foreign Service Act of 1946, as amended.

60 Stat. 1007.
22 USC 907,
909.

INTERPRETATION AND CONSTRUCTION

SEC. 12. For the purposes of this Act the term "Foreign Service officer" when used in the Foreign Service Act of 1946, as amended, or in any other provision of law shall be construed to mean "Foreign Service information officer" and the term "Secretary of State" when used with respect to authorities applicable to Foreign Service officers shall be construed to mean the Director of the United States Information Agency with respect to Foreign Service information officers.

TRANSFER OF AGENCY FOREIGN SERVICE OFFICERS TO FOREIGN SERVICE INFORMATION OFFICER STATUS

SEC. 13. Agency Foreign Service officers on active service on the effective date of this Act shall, by virtue of this Act, be transferred from the classes in which they are serving on such date to the comparable salaries and classes of Foreign Service information officers established by this Act. Service in the former class shall be considered as constituting service in the new class for the purposes of determining (1) eligibility for promotion, in accordance with the provisions of section 622, (2) liability for separation, in accordance with the provisions of section 633, (3) continuation of probationary status pursuant to section 635, and (4) credit for time served toward in-class promotion in accordance with section 625.

60 Stat. 1014.
22 USC 992.
69 Stat. 25.
22 USC 1003.
22 USC 1005.
74 Stat. 834.
22 USC 995.

VETERANS' PREFERENCE

SEC. 14. Notwithstanding the provisions of section 3320 of title 5 of the United States Code, the fact that any applicant is a veteran or disabled veteran, as defined in section 2108 (1) or (2) of such title, shall be taken into consideration as an affirmative factor in the selection of applicants for initial appointment as Foreign Service officers or Foreign Service information officers.

80 Stat. 422.
80 Stat. 410;
81 Stat. 196.

TENURE OF FOREIGN SERVICE RESERVE OFFICERS

SEC. 15. (a) Any officer appointed as a Foreign Service Reserve officer after the date of enactment of this Act may serve as such for not more than five years. During such period (no sooner than the expiration of the third year but no later than the expiration of the fifth year) such Foreign Service Reserve officer shall be appointed as a Foreign Service officer, Foreign Service Information Officer, Foreign Service Reserve officer with unlimited tenure, Foreign Service Staff officer, or shall be terminated as a Foreign Service Reserve officer.

60 Stat. 1009.
22 USC 922,
927.

(b) Notwithstanding the provisions of sections 522 and 527 of the Foreign Service Act of 1946, as amended, an appointment of any Foreign Service Reserve officer existing on the date of enactment of this Act may be extended, but not beyond the expiration of the five-year period beginning on such date of enactment.

RETIREMENT AND SEPARATION OF FOREIGN SERVICE RESERVE OFFICERS

74 Stat. 844,
845.
22 USC 1092.

SEC. 16. (a) In accordance with such regulations as the President may prescribe, any Foreign Service Reserve officer with unlimited tenure shall become a participant in the Foreign Service retirement and disability system and shall make a special contribution to the Foreign Service Retirement and Disability Fund in accordance with the provisions of section 852 of the Foreign Service Act of 1946, as amended. Beginning on the date of enactment of this Act, any Reserve officer referred to in the preceding sentence shall be mandatorily retired for age in accordance with the provisions of subsections (c) and (d) of section 9 of this Act.

69 Stat. 25.
22 USC 1003,
1004.

(b) The provisions of sections 633 and 634 of the Foreign Service Act of 1946, as amended, shall apply to Foreign Service Reserve officers with unlimited tenure.

PRESENT FOREIGN SERVICE RESERVE OFFICERS

SEC. 17. Any Foreign Service Reserve officer appointed before the date of enactment of this Act who has completed at least three years of continuous and satisfactory service as such on such date of enactment, or who will have completed at least three years of such service before the expiration of the three-year period beginning on such date of enactment, may be appointed as a Foreign Service Reserve officer with unlimited tenure.

LIMITATION ON EXTENSION OF FOREIGN SERVICE RESERVE OFFICER APPOINTMENTS

73 Stat. 257.
22 USC 922.

SEC. 18. Paragraph (3) of section 522 of the Foreign Service Act of 1946, as amended, is amended by inserting immediately before the period at the end thereof the following: “; except that the authority contained in this paragraph relating to extending the appointment of any Reserve officer, and to continuing the services of any such Reserve officer by reappointment, shall not be applicable to the Department of State and the United States Information Agency”.

EXCLUSION OF CERTAIN AGENCIES

SEC. 19. The provisions of sections 15, 16, and 17 of this Act shall not apply to officers and employees of the Agency for International Development, the Peace Corps, and the Arms Control and Disarmament Agency.

Approved August 20, 1968.

Public Law 90-495

AN ACT

August 23, 1968
[S. 3418]

To authorize appropriations for the fiscal years 1970 and 1971 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Federal-Aid
Highway Act of
1968.

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal-Aid Highway Act of 1968".

REVISION OF AUTHORIZATION OF APPROPRIATIONS FOR INTERSTATE SYSTEM

SEC. 2. Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended to read as follows:

80 Stat. 766.
23 USC 101
note.

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of expediting the construction, reconstruction, or improvement, inclusive of necessary bridges and tunnels, of the Interstate System, including extensions thereof through urban areas, designated in accordance with the provisions of subsection (d) of section 103 of title 23, United States Code, there is hereby authorized to be appropriated the additional sum of \$1,000,000,000 for the fiscal year ending June 30, 1957, which sum shall be in addition to the authorization heretofore made for that year, the additional sum of \$1,700,000,000 for the fiscal year ending June 30, 1958, the additional sum of \$2,200,000,000 for the fiscal year ending June 30, 1959, the additional sum of \$2,500,000,000 for the fiscal year ending June 30, 1960, the additional sum of \$1,800,000,000 for the fiscal year ending June 30, 1961, the additional sum of \$2,200,000,000 for the fiscal year ending June 30, 1962, the additional sum of \$2,400,000,000 for the fiscal year ending June 30, 1963, the additional sum of \$2,600,000,000 for the fiscal year ending June 30, 1964, the additional sum of \$2,700,000,000 for the fiscal year ending June 30, 1965, the additional sum of \$2,800,000,000 for the fiscal year ending June 30, 1966, the additional sum of \$3,000,000,000 for the fiscal year ending June 30, 1967, the additional sum of \$3,400,000,000 for the fiscal year ending June 30, 1968, the additional sum of \$3,800,000,000 for the fiscal year ending June 30, 1969, the additional sum of \$4,000,000,000 for the fiscal year ending June 30, 1970, the additional sum of \$4,000,000,000 for the fiscal year ending June 30, 1971, the additional sum of \$4,000,000,000 for the fiscal year ending June 30, 1972, the additional sum of \$4,000,000,000 for the fiscal year ending June 30, 1973, and the additional sum of \$2,225,000,000 for the fiscal year ending June 30, 1974. Nothing in this subsection shall be construed to authorize the appropriation of any sums to carry out sections 131, 136, or 319(b) of title 23, United States Code, or any provision of law relating to highway safety enacted after May 1, 1966."

74 Stat. 415;
81 Stat. 772.79 Stat. 1028,
1030, 1032;
80 Stat. 768.AUTHORIZATION OF USE OF COST ESTIMATE FOR APPORTIONMENT
OF INTERSTATE FUNDS

SEC. 3. The Secretary of Transportation is authorized to make the apportionment for the fiscal years ending June 30, 1970, and 1971, of the sums authorized to be appropriated for such years for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in the revision of table 5 of House Document Numbered 199, Ninetieth Congress, set forth in Senate Report 1340, Ninetieth Congress.

EXTENSION OF TIME FOR COMPLETION OF SYSTEM

80 Stat. 767. SEC. 4. (a) The second paragraph of section 101(b) of title 23, United States Code, is amended by striking out "sixteen years" and inserting in lieu thereof "eighteen years" and by striking out "June 30, 1972", and inserting in lieu thereof "June 30, 1974".

77 Stat. 277. (b) The introductory phrase and the second and third sentences of section 104(b)(5) of title 23, United States Code, are amended by striking "1972" where it appears and inserting in lieu thereof "1974", and such section 104(b)(5) is further amended by striking the three sentences preceding the last sentence and inserting in lieu thereof the following: "Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1970, and June 30, 1971. The Secretary shall make a final revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1970. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1972, June 30, 1973, and June 30, 1974."

Estimate.
Transmittal to
Congress.

AUTHORIZATIONS

SEC. 5. For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

(1) For the Federal-aid primary system and the Federal-aid secondary system and for their extension within urban areas, out of the Highway Trust Fund, \$1,100,000,000 for the fiscal year ending June 30, 1970, and \$1,100,000,000 for the fiscal year ending June 30, 1971. Nothing in this paragraph shall be construed to authorize the appropriation of any sums to carry out section 131, 136, 319(b) or chapter 4 of title 23, United States Code. The sums authorized in this paragraph for each fiscal year shall be available for expenditure as follows:

(A) 45 per centum for projects on the Federal-aid primary highway system;

(B) 30 per centum for projects on the Federal-aid secondary highway system; and

(C) 25 per centum for projects on extensions of the Federal-aid primary and Federal-aid secondary highway systems in urban areas.

(2) For traffic operation projects in urban areas as authorized in section 135 of title 23, United States Code, out of the Highway Trust Fund, \$200,000,000 for the fiscal year ending June 30, 1970, and \$200,000,000 for the fiscal year ending June 30, 1971.

(3) For forest highways, \$33,000,000 for the fiscal year ending June 30, 1970, and \$33,000,000 for the fiscal year ending June 30, 1971.

(4) For public lands highways, \$16,000,000 for the fiscal year ending June 30, 1970, and \$16,000,000 for the fiscal year ending June 30, 1971.

(5) For forest development roads and trails, \$170,000,000 for the fiscal year ending June 30, 1970, and \$170,000,000 for the fiscal year ending June 30, 1971.

(6) For public lands development roads and trails, \$3,500,000 for the fiscal year ending June 30, 1970, and \$5,000,000 for the fiscal year ending June 30, 1971.

79 Stat. 1028,
1030, 1032;
80 Stat. 768.

80 Stat. 734.
23 USC 135
note.

(7) For park roads and trails, \$30,000,000 for the fiscal year ending June 30, 1971.

(8) For parkways, \$11,000,000 for the fiscal year ending June 30, 1971.

(9) For Indian reservation roads and bridges, \$30,000,000 for the fiscal year ending June 30, 1970, and \$30,000,000 for the fiscal year ending June 30, 1971.

(10) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), \$75,000,000 for the fiscal year ending June 30, 1970, and \$100,000,000 for the fiscal year ending June 30, 1971. Sums for carrying out section 402 of title 23, United States Code, authorized by this paragraph shall not be apportioned until Congress, by law enacted after the date of enactment of this Act, shall provide for such apportionment.

80 Stat. 731.

(11) For carrying out sections 307(a) and 403 of title 23, United States Code (relating to highway safety research and development), the additional sum of \$30,000,000 for the fiscal year ending June 30, 1970, and the additional sum of \$37,500,000 for the fiscal year ending June 30, 1971.

72 Stat. 913;
80 Stat. 733.

(12) For the Federal-aid primary system and the Federal-aid secondary system, exclusive of their extensions in urban areas, out of the Highway Trust Fund, \$125,000,000 for the fiscal year ending June 30, 1970 and \$125,000,000 for the fiscal year ending June 30, 1971, such sums to be in addition to the sums authorized in paragraph (1) of this subsection. The sums authorized in this paragraph for each fiscal year shall be available for expenditure as follows:

(A) 60 per centum for projects on the Federal-aid primary highway system; and

(B) 40 per centum for projects on the Federal-aid secondary system.

HIGHWAY BEAUTIFICATION

SEC. 6. (a) Section 131(d) of title 23, United States Code, is amended by inserting the following sentence between the second and third sentences of the subsection: "Whenever a bona fide State, county, or local zoning authority has made a determination of customary use, such determination will be accepted in lieu of controls by agreement in the zoned commercial and industrial areas within the geographical jurisdiction of such authority."

79 Stat. 1028.

(b) The first sentence of section 131(j) of title 23, United States Code, is amended by striking out "or the control required by this section, whichever control is stricter".

(c) Section 131(m) of title 23, United States Code, is amended to read as follows:

80 Stat. 768.

"(m) There is authorized to be appropriated to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed \$20,000,000 for the fiscal year ending June 30, 1966, not to exceed \$20,000,000 for the fiscal year ending June 30, 1967, and not to exceed \$2,000,000 for the fiscal year ending June 30, 1970. The provisions of this chapter relating to the obligation, period of availability and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

Appropriation.

(d) Section 131 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

79 Stat. 1028.

"(n) No sign, display, or device shall be required to be removed under this section if the Federal share of the just compensation to be

paid upon removal of such sign, display, or device is not available to make such payment."

79 Stat. 1032;
80 Stat. 768.

(e) Section 136(m) of title 23, United States Code, is amended to read as follows:

Appropriation.

"(m) There is authorized to be appropriated to carry out this section, out of any money in the Treasury not otherwise appropriated, not to exceed \$20,000,000 for the fiscal year ending June 30, 1966, not to exceed \$20,000,000 for the fiscal year ending June 30, 1967, and not to exceed \$3,000,000 for the fiscal year ending June 30, 1970. The provisions of chapter 1 of this title relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

(f) Section 319(b) of title 23, United States Code, is amended by striking out the last two sentences and inserting in lieu thereof the following: "There is authorized to be appropriated to carry out this subsection, out of any money in the Treasury not otherwise appropriated, not to exceed \$120,000,000 for the fiscal year ending June 30, 1966, not to exceed \$120,000,000 for the fiscal year ending June 30, 1967, and not to exceed \$20,000,000 for the fiscal year ending June 30, 1970. The provisions of chapter 1 of this title relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this subsection after June 30, 1967."

(g) There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for necessary administrative expenses in carrying out sections 131, 136, and 319(b) of title 23, United States Code, not to exceed \$1,250,000 for the fiscal year ending June 30, 1969, and \$1,250,000 for the fiscal year ending June 30, 1970.

ADVANCE ACQUISITION OF RIGHTS-OF-WAY

72 Stat. 893.

SEC. 7. (a) Subsection (b) of section 108 of title 23, United States Code, is amended by striking out "this section" and inserting in lieu thereof "subsection (a) of this section".

(b) Section 108 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

Right-of-way
revolving fund.

"(c) (1) There is hereby established in the Treasury of the United States a revolving fund to be known as the right-of-way revolving fund which shall be administered by the Secretary in carrying out the provisions of this subsection. Sums authorized to be appropriated to the right-of-way revolving fund shall be available for expenditure without regard to the fiscal year for which such sums are authorized.

"(2) For the purpose of acquiring rights-of-way for future construction of highways on any Federal-aid system and for making payments for the moving or relocation of persons, businesses, farms, and other existing uses of real property caused by the acquisition of such rights-of-way, in addition to the authority contained in subsection (a) of this section, the Secretary, upon request of a State highway department, is authorized to advance funds, without interest, to the State from amounts available in the right-of-way revolving fund, in accordance with rules and regulations prescribed by the Secretary. Funds so advanced may be used to pay the entire costs of projects for the acquisition of rights-of-way, including the net cost to the State of property management, if any, and related moving and relocation payments made pursuant to section 133 or chapter 5 of this title.

76 Stat. 1146;
Post, p. 830.

"(3) Actual construction of a highway on rights-of-way, with respect to which funds are advanced under this subsection, shall be commenced within a period of not less than two years nor more than seven years following the end of the fiscal year in which the Secretary

approves such advance of funds, unless the Secretary, in his discretion, shall provide for an earlier termination date. Immediately upon the termination of the period of time within which actual construction must be commenced, in the case of any project where such construction is not commenced before such termination, or upon approval by the Secretary of the plans, specifications, and estimates for such project for the actual construction of a highway on rights-of-way with respect to which funds are advanced under this subsection, whichever shall occur first, the right-of-way revolving fund shall be credited with an amount equal to the Federal share of the funds advanced, as provided in section 120 of this title, out of any Federal-aid highway funds apportioned to the State in which such project is located and available for obligation for projects on the Federal-aid system of which such project is to be a part, and the State shall reimburse the Secretary in an amount equal to the non-Federal share of the funds advanced for deposit in, and credit to, the right-of-way revolving fund."

72 Stat. 898.
23 USC 120.

(c) There is authorized to be appropriated, out of the highway trust fund, to the right-of-way revolving fund established by subsection (c) of section 108 of title 23, United States Code, \$100,000,000 for the fiscal year ending June 30, 1970, \$100,000,000 for the fiscal year ending June 30, 1971, and \$100,000,000 for the fiscal year ending June 30, 1972.

Appropriation.

Ante, p. 818.

(d) On or before January 1 next preceding the commencement of each fiscal year for which funds are authorized to be appropriated to the right-of-way revolving fund by subsection (c) of this section, the Secretary shall apportion the funds so authorized for such fiscal year to the States. Each State shall be apportioned for such fiscal year an amount which bears the same percentage relationship to the total amount being apportioned under this subsection as the total of all apportionments made to such State for such fiscal year under paragraphs (1), (2), (3), and (5), of subsection (b) of section 104 of title 23, United States Code, bears to the total of all amounts apportioned under such paragraphs to all States for such fiscal year. Amounts apportioned under this subsection shall not be construed to be authorizations of appropriations for the construction, reconstruction, or improvement of the Interstate System for the purposes of subsection (g) of section 209 of the Highway Revenue Act of 1956.

72 Stat. 889;
77 Stat. 276;
80 Stat. 767.

(e) Funds apportioned to a State under this subsection (d) of this section shall remain available for obligation for advances to such State until October 1 of the fiscal year for which such apportionment is made. All amounts not advanced or obligated for advancement before such date shall revert to the right-of-way revolving fund and together with all other amounts credited and reimbursed to such fund shall be available for advances to the States to carry out subsection (c) of section 108 of title 23, United States Code, in an equitable manner, taking into consideration each State's need for, and ability to use, such advances, in accordance with such rules and regulations as the Secretary of Transportation shall establish.

70 Stat. 400.
23 USC 120
note.

DEFINITIONS OF FOREST ROAD OR TRAIL AND FOREST DEVELOPMENT ROADS AND TRAILS

SEC. 8. The fourth and fifth paragraphs in section 101 (a) of title 23, United States Code, are amended to read as follows:

72 Stat. 885.

"The term 'forest road or trail' means a road or trail wholly or partly within or adjacent to and serving the national forests and other areas administered by the Forest Service.

"The term 'forest development roads and trails' means those forest roads or trails of primary importance for the protection, administration, and utilization of the national forest and other areas administered by the Forest Service or, where necessary, for the use and development

of the resources upon which communities within or adjacent to the national forest and other areas administered by the Forest Service are dependent.”

FOREST DEVELOPMENT ROADS AND TRAILS

72 Stat. 907.

SEC. 9. Subsection (c) of section 205 of title 23, United States Code, is amended to read as follows:

“(c) Construction estimated to cost \$15,000 or more per mile or \$15,000 or more per project for projects with a length of less than one mile, exclusive of bridges and engineering, shall be advertised and let to contract. If such estimated cost is less than \$15,000 per mile or \$15,000 per project for projects with a length of less than one mile or if, after proper advertising, no acceptable bid is received or the bids are deemed excessive, the work may be done by the Secretary of Agriculture on his own account.”

URBAN AREA TRAFFIC OPERATIONS IMPROVEMENT PROGRAMS

23 USC 101-141;
Post, pp. 823,
826, 836.

SEC. 10. (a) Chapter 1 of title 23, United States Code, is amended by adding immediately after section 134 the following new section 135:

“§ 135. Urban area traffic operations improvement programs

“(a) The Congress hereby finds and declares it to be in the national interest that each State should have a continuing program within the designated boundaries of urban areas of the State designed to reduce traffic congestion and to facilitate the flow of traffic in the urban areas.

“(b) The Secretary may approve under this section any project on an extension of the Federal-aid primary or secondary system in urban areas for improvements which directly facilitate and control traffic flow, such as grade separation of intersections, widening of lanes, channelization of traffic, traffic control systems, and loading and unloading ramps, if such project is based on a continuing comprehensive transportation planning process carried on in accordance with section 134 of this title.

“(c) The sums authorized to carry out this section shall be apportioned in accordance with section 104(b) (3) of this title.

“(d) The Secretary shall report annually on projects approved under this section with any recommendations he may have for further improvement of traffic operations in accordance with this section.”

(b) The analysis of chapter 1 of title 23, United States Code, is hereby amended by adding thereto, immediately after the catchline for section 134, the following:

“135. Urban area traffic operations improvement programs.”

FRINGE PARKING FACILITIES

SEC. 11. (a) The Secretary may, until June 30, 1971, approve as a project under title 23, United States Code, for demonstration purposes, the acquisition of land adjacent to the right-of-way on any Federal-aid highway system outside a central business district, as defined by the Secretary, and the construction of publicly owned parking facilities thereon or within such right-of-way, including the use of the air space above and below the established grade line of the highway pavement, to serve an urban area of more than fifty thousand population. Such parking facility shall be located and designed to permit its use in conjunction with existing or planned public transportation facilities. In the event fees are charged for the use of any such facility, the rate thereof shall not be in excess of that required for maintenance and operation (including compensation to any person for operating such facility).

77 Stat. 276.
Report.

(b) The Federal share payable on account of any project authorized by this section shall be 50 per centum. The sums apportioned in accordance with section 104(b)(3) of title 23, United States Code, shall be available to finance the Federal share payable under this section.

77 Stat. 276.

(c) The Secretary shall not approve any project under this section until—

(1) he has determined that the State, or the political subdivision thereof, where such project is to be located, or an agency or instrumentality of such State or political subdivision, has the authority and capability of constructing, maintaining, and operating the facility;

(2) he has entered into an agreement governing the financing, maintenance, and operation of the parking facility with such State, political subdivision, agency, or instrumentality, including necessary requirements to insure that adequate public transportation services will be available to persons using such facility; and

(3) he has approved design standards for constructing such facility developed in cooperation with the State highway department.

(d) The term “parking facilities”, for purposes of this section, shall include access roads, buildings, structures, equipment, improvements, and interests in lands.

“Parking facilities.”

(e) Nothing in this section, or in any rule or regulation issued under this section, or in any agreement required by this section, shall prohibit (1) any State, political subdivision, or agency or instrumentality thereof, from contracting with any person to operate any parking facility constructed under this section, or (2) any such person from so operating such facility.

(f) The Secretary shall not approve any project under this section unless he determines that it is based on a continuing comprehensive transportation planning process carried on in accordance with section 134 of title 23, United States Code.

76 Stat. 1148.

(g) The Secretary shall submit to Congress annually a report of the demonstration projects approved under this section together with his recommendations with respect to the future operation of these projects including, but not limited to, the possible sale of such projects to private enterprise and the possibility of future construction of projects of this type by private enterprise.

Report to Congress.

PREVAILING RATE OF WAGE

SEC. 12. (a) Section 113 of title 23, United States Code, is amended to read as follows:

72 Stat. 895.

“§ 113. Prevailing rate of wage

“(a) The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on the initial construction work performed on highway projects on the Federal-aid systems, the primary and secondary, as well as their extensions in urban areas, and the Interstate System, authorized under the highway laws providing for the expenditure of Federal funds upon the Federal-aid systems, shall be paid wages at rates not less than those prevailing on the same type of work on similar construction in the immediate locality as determined by the Secretary of Labor in accordance with the Act of August 30, 1935, known as the Davis-Bacon Act (40 U.S.C. 267a).

“(b) In carrying out the duties of subsection (a) of this section, the Secretary of Labor shall consult with the highway department of the State in which a project on any of the Federal-aid systems is to be performed. After giving due regard to the information thus obtained, he

49 Stat. 1011.
40 USC 276a-
276a-5.

shall make a predetermination of the minimum wages to be paid laborers and mechanics in accordance with the provisions of subsection (a) of this section which shall be set out in each project advertisement for bids and in each bid proposal form and shall be made a part of the contract covering the project.

“(c) The provisions of the section shall not be applicable to employment pursuant to apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting equal employment opportunity in connection with Federal-aid highway construction programs.”

(b) The analysis of chapter 1 of title 23, United States Code, is hereby amended by striking out

“113. Prevailing rate of wage—Interstate System.”

and inserting in lieu thereof:

“113. Prevailing rate of wage.”

HIGHWAY SAFETY PROGRAM

80 Stat. 732.

SEC. 13. The fourth sentence of subsection (c) of section 402 of title 23 of the United States Code is amended by striking out “December 31, 1968” and inserting in lieu thereof “December 31, 1969”, and the fifth sentence of such subsection is amended by striking out “January 1, 1969” and inserting in lieu thereof “January 1, 1970”.

INTERSTATE SYSTEM ADJUSTMENTS

74 Stat. 415;
81 Stat. 772.

SEC. 14. (a) The first sentence of paragraph (1) of subsection (d) of section 103 of title 23, United States Code, is amended by inserting after the word “and” a comma and the following: “except as provided in paragraphs (2) and (3) of this subsection.”

(b) Subsection (d) of section 103 of title 23, United States Code, is amended by adding at the end thereof the following new paragraph:

“(3) In addition to the mileage authorized by paragraphs (1) and (2) of this subsection, there is hereby authorized additional mileage of not to exceed 1,500 miles for the designation of routes in the same manner as set forth in paragraph (1), in order to improve the efficiency and service of the Interstate System to better accomplish the purposes of that System.”

PROHIBITION OF IMPOUNDMENT OF APPORTIONMENTS AND DIVERSION OF FUNDS

72 Stat. 885.

SEC. 15. Section 101 of title 23, United States Code, is amended by adding at the end thereof the following new subsections:

“(c) It is the sense of Congress that under existing law no part of any sums authorized to be appropriated for expenditure upon any Federal-aid system which has been apportioned pursuant to the provisions of this title shall be impounded or withheld from obligation, for purposes and projects as provided in this title, by any officer or employee of any department, agency, or instrumentality of the executive branch of the Federal Government, except such specific sums as may be determined by the Secretary of the Treasury, after consultation with the Secretary of Transportation, are necessary to be withheld from obligation for specific periods of time to assure that sufficient amounts will be available in the highway trust fund to defray the expenditures which will be required to be made from such fund.

“(d) It is the sense of Congress that funds authorized to be appropriated from the Highway Trust Fund may be used to pay only those administrative expenses of the Federal Highway Administration (in-

cluding the Bureau of Public Roads) which are incurred under this title and are attributable to Federal-aid highways. No funds authorized to be appropriated from the Highway Trust Fund shall be used to pay the administrative expenses of any other Federal department, agency, office, or instrumentality, or any other agency, instrumentality, or entity established by Federal law, executive order, or otherwise by the Federal Government, either by transfer or funds, reassignment of personnel or activities, contract, or otherwise, unless the expenditures are to meet obligations incurred under this title, which are attributable to Federal-aid highways and are—

“(1) contracted for in accordance with the Act of March 4, 1915, as amended (31 U.S.C. 686) and (A) relate to work or services of a type not usually performed by the Federal Highway Administration or (B) relate to the furnishing of materials, supplies, or equipment; or

47 Stat. 417.

“(2) are specifically identified in the budget and included in an appropriation Act.”

ADDITIONS TO THE INTERSTATE SYSTEM

SEC. 16. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

23 USC 101-141; *Ante*, p. 820; *Post*, pp. 826, 836.

“§ 139. Additions to Interstate System

“Whenever the Secretary determines that a highway on the Federal-aid primary system meets all of the standards of a highway on the Interstate System and that such highway is a logical addition or connection to the Interstate System, he may, upon the affirmative recommendation of the State or States involved, designate such highway as a part of the Interstate System. The mileage of any highway designated as part of the Interstate System under this section shall not be charged against the limitation established by the first sentence of section 103(d) of this title. The designation of a highway as part of the Interstate System under this section shall create no Federal financial responsibility with respect to such highway.”

Ante, p. 822.

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

“139. Additions to Interstate System.”

FUNCTIONAL HIGHWAY CLASSIFICATION STUDY

SEC. 17. The Secretary of Transportation shall, in the report to Congress required to be submitted by January 1970 by section 3 of the Act of August 28, 1965 (79 Stat. 578; Public Law 89-139), include the results of a systematic nationwide functional highway classification study to be made in cooperation with the State highway departments and local governments with particular attention to the establishment of highway system categories, rural and urban, according to the functional importance of routes, desirable as one of the bases for realigning Federal highway programs to better meet future needs and priorities.

23 USC 101 note.

PRESERVATION OF PARKLANDS

SEC. 18. (a) Section 138 of title 23, United States Code, is amended to read as follows:

80 Stat. 771.

“§ 138. Preservation of parklands

“It is hereby declared to be the national policy that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites. The Secretary of Transportation shall cooperate

and consult with the Secretaries of the Interior, Housing and Urban Development, and Agriculture, and with the States in developing transportation plans and programs that include measures to maintain or enhance the natural beauty of the lands traversed. After the effective date of the Federal-Aid Highway Act of 1968, the Secretary shall not approve any program or project which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or any land from an historic site of national, State, or local significance as so determined by such officials unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use."

49 USC 1653.

(b) Section 4(f) of the Department of Transportation Act (80 Stat. 931; Public Law 89-670) is amended to read as follows:

"(f) It is hereby declared to be the national policy that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites. The Secretary of Transportation shall cooperate and consult with the Secretaries of the Interior, Housing and Urban Development, and Agriculture, and with the States in developing transportation plans and programs that include measures to maintain or enhance the natural beauty of the lands traversed. After the effective date of the Federal-Aid Highway Act of 1968, the Secretary shall not approve any program or project which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or any land from an historic site of national, State, or local significance as so determined by such officials unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use."

FORT WASHINGTON PARKWAY

SEC. 19. (a) The Secretary of the Interior is authorized to acquire by (1) donation, (2) purchase with donated funds, (3) purchase with funds appropriated to him under subsection (c) of this section, (4) transfer from any other Federal department, agency, or instrumentality (including the government of the District of Columbia), or (5) exchange, lands and interests in lands in Prince Georges County, Maryland, within the boundary depicted on drawing NCR 117.4-186 which is on file and available for public inspection in the offices of the National Park Service, Department of the Interior. Notwithstanding any other provision of law, any property of the United States within the boundary depicted on such drawing may, with the concurrence of the head of the department, agency, or instrumentality having jurisdiction thereof, be transferred without reimbursement to the Secretary of the Interior to carry out this section.

(b) (1) With respect to those lands which are identified on the map by the legend "Fee simple acquisition to be acquired", striped green, the Secretary of the Interior is authorized to acquire the fee simple absolute title to such property.

(2) With respect to lands which are identified on the map by the legend "Private development areas" striped blue, the Secretary of the Interior is authorized to acquire only such easements and other

interests in lands less than fee simple title as may be necessary to protect the natural scenery and shoreline of such property, and to prohibit the use of such property for industrial or commercial purposes or for residential purposes, other than low density single family detached dwellings, except that any such property which on the date of enactment of this section is lawfully used for any purposes thereafter prohibited by this paragraph may continue to be used for such purpose until such time as it ceases to be so used.

(c) No money shall be expended by the Secretary of the Interior under this section until he shall have received definite commitments from the State of Maryland or from political subdivisions thereof, for one-third the cost of acquiring land easements or interests in lands under subsection (b) of this section, other than lands belonging to the United States on the date of enactment of this section or donated to the United States to carry out this section. In the discretion of the Secretary he may advance the State of Maryland, or any political subdivision thereof, the full amount of the funds necessary for the acquisition of lands under subsection (b) of this section on the condition that the State or political subdivision reimburse the United States one-third the cost of such acquisition, without interest, within a period of not to exceed 8 years from the date such funds are so advanced.

(d) There is authorized to be appropriated to the Secretary of the Interior to carry out this section an amount equal to the unappropriated balance of the amount authorized to be appropriated in subsection (a) of the first section of the Act of May 29, 1930 (46 Stat. 482), as amended, for acquiring and developing the George Washington Memorial Parkway, and the authorization contained in such first section of such Act of May 29, 1930, is reduced by such amount.

66 Stat. 791;
72 Stat. 705;
79 Stat. 981.

(e) Upon the completion of the acquisition of all of the real property and interests in real property authorized by this section, the Secretary of the Interior shall report to Congress his recommendations (including any necessary legislation) on the construction of the Fort Washington Parkway through the portion of Prince Georges County, Maryland, authorized to be acquired under this section. Such report shall include cost estimates and other information as may be necessary for the authorization of construction of such parkway by Congress.

Report to Congress.

GARDEN STATE PARKWAY

SEC. 20. (a) The amount of all Federal-aid highway funds paid on account of those sections of the Garden State Parkway in the State of New Jersey referred to in subsection (c) of this section shall, prior to the collection of any tolls thereon, be repaid to the Treasurer of the United States. The amount so repaid shall be deposited to the credit of the appropriation for "Federal-Aid Highways (Trust Fund)". At the time of such repayment the Federal-aid projects with respect to which such funds have been repaid and any other Federal-aid project located on said sections of such parkway and programed for expenditure on any such project, shall be credited to the unprogramed balance of Federal-aid highways funds of the same class last apportioned to the State of New Jersey. The amount so credited shall be in addition to all other funds then apportioned to said State and shall be available for expenditure in accordance with the provisions of title 23, United States Code, as amended or supplemented.

(b) When the New Jersey Highway Authority shall have constructed toll-free highway facilities in the vicinity of said sections of the Garden State Parkway in accordance with a general plan approved by the Secretary of Transportation as adequate to service local traffic, and pursuant to an agreement between the Authority and the State of New Jersey, acting by and through its State House Commission con-

cerning the financing and construction of such facilities, then upon the repayment of Federal-aid highway funds and the cancellation and withdrawal from the Federal-aid highway program of all projects on such sections of the Garden State Parkway, as provided in subsection (a) of this section, such sections shall become and be free of any and all restrictions contained in title 23, United States Code, as amended or supplemented, or in any regulation thereunder, with respect to the imposition and collection of tolls or other charges thereon or for the use thereof.

(c) The provisions of this section shall apply to the following sections of the Garden State Parkway:

(1) That section of the parkway near Cape May Court House from interchange numbered 8 to interchange numbered 12 at route United States 9—a distance of approximately four and twenty one-hundredths centerline miles.

(2) That section of the parkway from a point near its connection with route United States 9 north of Toms River to Dover Road in South Toms River—a distance of approximately two and fifty one-hundredths centerline miles.

(3) That section of the parkway from route United States 9 in Woodbridge to the Middlesex-Union County line—a distance of approximately six and thirty-seven one-hundredths centerline miles.

(4) That section of the parkway from a point near its connection with the Middlesex-Union County line to a point near its connection with route United States 22 in Union Township—a distance of approximately seven and ninety-two one-hundredths centerline miles.

SECTION 103, TITLE 23, UNITED STATES CODE

81 Stat. 772. SEC. 21. Paragraph (2) of subsection (d) of section 103 of title 23, United States Code, is amended by striking out "1965 Interstate System cost estimate set forth in House Document Numbered 42, Eighty-ninth Congress" and inserting in lieu thereof "1968 Interstate System cost estimate set forth in House Document Numbered 199, Ninetieth Congress, as revised".

EQUAL EMPLOYMENT OPPORTUNITY

Ante, pp. 820, 823. SEC. 22. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 140. Equal employment opportunity

72 Stat. 891. "Prior to approving any programs for projects as provided for in subsection (a) of section 105 of this title, the Secretary shall require assurances from any State desiring to avail itself of the benefits of this chapter that employment in connection with proposed projects will be provided without regard to race, color, creed or national origin. He shall require that each State shall include in the advertised specifications, notification of the specific equal employment opportunity responsibilities of the successful bidder. In approving programs for projects on any of the Federal-aid systems, the Secretary shall, where he considers it necessary to assure equal employment opportunity, require certification by any State desiring to avail itself of the benefits of this chapter that there are in existence and available on a regional, state-wide, or local basis, apprenticeship, skill improvement or other upgrading programs, registered with the Department of Labor or the appropriate State agency, if any, which provide equal opportunity for training and employment without regard to race, color, creed or national origin. The Secretary shall periodically obtain from the

Secretary of Labor and the respective State highway departments information which will enable him to judge compliance with the requirements of this section and the Secretary of Labor shall render to the Secretary such assistance and information as he shall deem necessary to carry out the equal employment opportunity program required hereunder."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"140. Equal employment opportunity."

(c) Subsection (b) of section 112 of title 23, United States Code, is amended by adding at the end thereof the following: "Contracts for the construction of each project shall be awarded only on the basis of the lowest responsive bid submitted by a bidder meeting established criteria of responsibility. No requirement or obligation shall be imposed as a condition precedent to the award of a contract to such bidder for a project, or to the Secretary's concurrence in the award of a contract to such bidder, unless such requirement or obligation is otherwise lawful and is specifically set forth in the advertised specifications."

72 Stat. 895.

DISTRICT OF COLUMBIA

SEC. 23. (a) Notwithstanding any other provision of law, or any court decision or administrative action to the contrary, the Secretary of Transportation and the government of the District of Columbia shall, in addition to those routes already under construction, construct all routes on the Interstate System within the District of Columbia as set forth in the document entitled "1968 Estimate of the Cost of Completion of the National System of Interstate and Defense Highways in the District of Columbia" submitted to Congress by the Secretary of Transportation with, and as a part of, "The 1968 Interstate System Cost Estimate" printed as House Document Numbered 199, Ninetieth Congress. Such construction shall be undertaken as soon as possible after the date of enactment of this Act, except as otherwise provided in this section, and shall be carried out in accordance with all applicable provisions of title 23 of the United States Code.

(b) Not later than 30 days after the date of enactment of this section the government of the District of Columbia shall commence work on the following projects:

- (1) Three Sisters Bridge, I-266 (Section B1 to B2).
- (2) Potomac River Freeway, I-266 (Section B2 to B4).
- (3) Center Leg of the Inner Loop, I-95 (Section A6 to C4), terminating at New York Avenue.
- (4) East Leg of the Inner Loop, I-295 (Section C1 to C4), terminating at Bladensburg Road.

(c) The government of the District of Columbia and the Secretary of Transportation shall study those projects on the Interstate System set forth in "The 1968 Interstate System Cost Estimate", House Document Numbered 199, Ninetieth Congress, within the District of Columbia which are not specified in subsection (b) and shall report to Congress not later than 18 months after the date of enactment of this section their recommendations with respect to such projects including any recommended alternative routes or plans, and if no such recommendations are submitted within such 18-month period then the Secretary of Transportation and the government of the District of Columbia shall construct such routes, as soon as possible thereafter, as required by subsection (a) of this section.

Report to
Congress.

(d) For the purpose of enabling the District of Columbia to have its Federal-aid highway projects approved under section 106 or 117 of title 23, United States Code, the Commissioner of the District of

72 Stat. 892,
897; 77 Stat. 278.

Columbia may, in connection with the acquisition of real property in the District of Columbia for any Federal-aid highway project, provide the payments and services described in sections 505, 506, 507, and 508 of title 23, United States Code.

Post, pp. 831-833.

(e) The Commissioner of the District of Columbia is authorized to acquire by purchase, donation, condemnation or otherwise, real property for transfer to the Secretary of the Interior in exchange or as replacement for park, parkway, and playground lands transferred to the District of Columbia for a public purpose pursuant to section 1 of the Act of May 20, 1932 (47 Stat. 161; D.C. Code, sec. 8-115) and the Commissioner is further authorized to transfer to the United States title to property so acquired.

40 USC 122.

(f) Payments are authorized to be made by the Commissioner, and received by the Secretary of the Interior, in lieu of property transferred pursuant to subsection (e) of this section. The amount of such payment shall represent the cost to the Secretary of the Interior of acquiring real property suitable for replacement of the property so transferred as agreed upon between the Commissioner and the head of said agency and shall be available for the acquiring of the replacement property.

URBAN IMPACT AMENDMENT

SEC. 24. The first sentence of subsection (a) of section 128 of title 23, United States Code, is amended by striking everything after the word "economic" down to and including the period at the end thereof and inserting in lieu thereof the following: "and social effects of such a location, its impact on the environment, and its consistency with the goals and objectives of such urban planning as has been promulgated by the community."

72 Stat. 902.

CONSTRUCTION BY STATES IN ADVANCE OF APPORTIONMENT

SEC. 25. (a) Subsection (a) of section 115 of title 23, United States Code, is amended to read as follows:

72 Stat. 896.

"§ 115. Construction by States in advance of apportionment

"(a) When a State has obligated all funds for any of the Federal-aid systems, including the Interstate System, apportioned to it under section 104 of this title, and proceeds to construct any project without the aid of Federal funds, including one or more parts of any project, on any of the Federal-aid systems in such State, including the Interstate System, as any of those systems may be designated at that time, in accordance with all procedures and all requirements applicable to projects on any such system, except insofar as such procedures and requirements limit a State to the construction of projects with the aid of Federal funds previously apportioned to it, the Secretary, upon application by such State and his approval of such application, is authorized to pay to such State the Federal share of the costs of construction of such project when additional funds are apportioned to such State under section 104 of this title if—

72 Stat. 889.

"(1) prior to the construction of the project the Secretary approves the plans and specifications therefor in the same manner as other projects on the Federal-aid system involved, and

"(2) the project conforms to the applicable standards adopted under section 109 of this title;

The Secretary may not approve an application under this section unless an authorization is in effect for the fiscal year for which the application is sought beyond the currently authorized funds for such State and that no application may be approved which will exceed the State's expected apportionment of such authorizations."

72 Stat. 894;
77 Stat. 277;
80 Stat. 767, 771.

(b) Subsection (b) of section 115 of title 23, United States Code, is amended by striking the following: "of subsection (b) (5)". 72 Stat. 896.

(c) The analysis of chapter 1 of title 23, United States Code, as it refers to section 115 is hereby amended to read as follows:

"115. Construction by States in advance of apportionment."

BRIDGE INSPECTION

SEC. 26. Section 116 of title 23, United States Code, is amended by adding at the end thereof the following: 73 Stat. 145.

"(d) The Secretary in consultation with the State highway departments and interested and knowledgeable private organizations and individuals shall as soon as possible establish national bridge inspection standards in order to provide for the proper safety inspection of bridges on any of the Federal-aid highway system. Such standards shall specify in detail the method by which inspections shall be conducted by the State highway departments, the maximum time lapse between inspections and the qualifications for those charged with the responsibility for carrying out such inspections. Each State shall be required to maintain written reports to be available to the Secretary pursuant to such inspections together with a notation of the action taken pursuant to the findings of such inspections. Each State shall be required to maintain a current inventory of all bridges on the Federal-aid system.

"(e) The Secretary shall establish in cooperation with the State highway departments a program designed to train appropriate employees of the Federal Government and the State governments to carry out bridge inspections. Such a program shall be revised from time to time in light of new or improved techniques. For the purposes of this section the Secretary may use funds made available pursuant to the provisions of section 104(a) and section 307(a) of this title." 72 Stat. 889, 913.

EMERGENCY RELIEF

SEC. 27. (a) The first sentence of section 125 of title 23, United States Code, is amended to read as follows: "An emergency fund is authorized for expenditure by the Secretary, subject to the provisions of this section and section 120, for the repair or reconstruction of highways, roads, and trails which he shall find have suffered serious damage as the result of (1) natural disaster over a wide area such as by floods, hurricanes, tidal waves, earthquakes, severe storms, or landslides, or (2) catastrophic failures from any cause, in any part of the United States." 73 Stat. 612.

(b) The first sentence of section 120(f) of title 23, United States Code, is amended by inserting after the period at the end the following: "The Secretary may increase the Federal share payable on account of any repair or reconstruction under this section up to 100 per centum of the replacement cost of a comparable facility if he determines it is in the public interest." 78 Stat. 1090; 80 Stat. 769.

(c) The amendments made by this section shall be applicable to repair or reconstruction with respect to which project agreements have been entered into on or after January 1, 1968. Applicability.

TOLL ROADS

SEC. 28. Section 129(b) of title 23 of the United States Code is amended by adding at the end thereof the following: "After June 30, 1968, all agreements between the Secretary and a State highway department for the construction of projects on the Interstate System shall contain a clause providing that no toll road will be constructed after 72 Stat. 902.

June 30, 1968, on the interstate highway route involved without the official concurrence of the Secretary. The Secretary shall not concur in any such construction unless he makes an affirmative finding that, under the particular circumstances existing, the construction of such road as a toll facility rather than a toll-free facility is in the public interest. The preceding two sentences shall not apply to any toll bridge or toll tunnel."

HIGHWAY STUDY—GUAM, AMERICAN SAMOA, AND THE VIRGIN ISLANDS

SEC. 29. (a) The Secretary of Transportation, in cooperation with the government of Guam, the government of American Samoa, and the government of the Virgin Islands, shall make studies of the need for, and estimates and planning surveys relative to, highway construction programs for Guam, American Samoa, and the Virgin Islands.

Report to Congress.

(b) On or before April 1, 1969, the Secretary of Transportation shall submit a report to the Congress which shall include—

(1) an analysis of the adequacy of present highway programs to provide satisfactory highways in both the rural and urban areas in Guam, American Samoa, and the Virgin Islands;

(2) specific recommendations as to a program for the construction of highways throughout Guam, American Samoa, and the Virgin Islands; and

(3) a feasible program for implementing such specific recommendations, including cost estimates, recommendations as to the inclusion of all or parts of such highways on the Federal-aid systems and as to the sharing of cost responsibilities, and other pertinent matters.

(c) Costs of the studies required by this section shall be paid from funds made available to the Secretary under section 104(a) of title 23, United States Code.

72 Stat. 889.

RELOCATION ASSISTANCE

SEC. 30. Title 23, United States Code, is hereby amended by adding at the end thereof a new chapter:

"Chapter 5.—HIGHWAY RELOCATION ASSISTANCE

"Sec.

"501. Declaration of policy.

"502. Assurances of adequate relocation assistance program.

"503. Administration of relocation assistance program.

"504. Federal reimbursement.

"505. Relocation payments.

"506. Replacement housing.

"507. Expenses incidental to transfer of property.

"508. Relocation services.

"509. Relocation assistance programs on Federal highway projects.

"510. Authority of Secretary.

"511. Definitions.

"§ 501. Declaration of policy

"Congress hereby declares that the prompt and equitable relocation and reestablishment of persons, businesses, farmers, and nonprofit organizations displaced as a result of the Federal highway programs and the construction of Federal-aid highways is necessary to insure that a few individuals do not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole. Therefore, Congress determines that relocation payments and advisory assistance should be provided to all persons so displaced in accordance with the provisions of this title.

“§ 502. Assurances of adequate relocation assistance program

“The Secretary shall not approve any project under section 106 or section 117 of this title which will cause the displacement of any person, business, or farm operation unless he receives satisfactory assurances from the State highway department that—

72 Stat. 892,
897; 77 Stat. 278.

“(1) fair and reasonable relocation and other payments shall be afforded to displaced persons in accordance with sections 505, 506, and 507 of this title;

“(2) relocation assistance programs offering the services described in section 508 of this title shall be afforded to displaced persons; and

“(3) within a reasonable period of time prior to displacement there will be available, to the extent that can reasonably be accomplished, in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings, as defined by the Secretary, equal in number to the number of and available to such displaced families and individuals and reasonably accessible to their places of employment.

“§ 503. Administration of relocation assistance program

“In order to prevent unnecessary expenses and duplication of functions, a State highway department may make relocation payments or provide relocation assistance or otherwise carry out the functions required under this chapter by utilizing the facilities, personnel, and services of any other Federal, State, or local governmental agency having an established organization for conducting relocation assistance programs.

“§ 504. Federal reimbursement

“(a) The Secretary shall approve, as a part of the cost of construction of a project under any Federal-aid highway program which he administers, the cost of providing the payments and services described in section 502, except that notwithstanding any other law, the Federal share of the first \$25,000 of such payments to any person, on account of any real property acquisition or displacement occurring prior to July 1, 1970, shall be increased to 100 per centum of such cost.

“(b) Any project agreement with a State highway department executed before the date of enactment of this chapter with respect to property which has not been acquired as of the date of enactment of this chapter under any such program shall be amended to include the cost of providing the payments and services described in section 502 with respect to such property.

“§ 505. Relocation payments

“(a) **PAYMENTS FOR ACTUAL EXPENSES.**—Upon application approved by the State agency, a person displaced by any highway project approved under section 106 or section 117 of this title may elect to receive actual reasonable expenses in moving himself, his family, his business, or his farm operation, including personal property.

“(b) **OPTIONAL PAYMENTS—DWELLINGS.**—Any displaced person who moves from a dwelling who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (a) of this section may receive—

“(1) a moving expense allowance, determined according to a schedule established by the Secretary, not to exceed \$200; and

“(2) a dislocation allowance of \$100.

“(c) **OPTIONAL PAYMENTS—BUSINESSES AND FARM OPERATIONS.**—Any displaced person who moves or discontinues his business or farm operation who elects to accept the payment authorized by this section in

"Average annual net earnings."

lieu of the payment authorized by subsection (a) of this section, may receive a fixed relocation payment in an amount equal to the average annual net earnings of the business or farm operation, or \$5,000, whichever is the lesser. In the case of a business, no payment shall be made under this subsection unless the State agency is satisfied that the business (1) cannot be relocated without a substantial loss of its existing patronage, and (2) is not part of a commercial enterprise having at least one other establishment, not being acquired by the State or by the United States, which is engaged in the same or similar business. For purposes of this subsection, the term 'average annual net earnings' means one-half of any net earnings of the business or farm operation, before Federal, State, and local income taxes, during the two taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired for such project, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such two-year period.

"§ 506. Replacement housing

"(a) In addition to amounts otherwise authorized by this title, the State agency shall make a payment to the owner of real property acquired for a project which is improved by a single-, two-, or three-family dwelling actually owned and occupied by the owner for not less than one year prior to the initiation of negotiations for the acquisition of such property. Such payment, not to exceed \$5,000, shall be the amount, if any, which, when added to the acquisition payment, equals the average price required for a comparable dwelling determined, in accordance with standards established by the Secretary, to be a decent, safe, and sanitary dwelling adequate to accommodate the displaced owner, reasonably accessible to public services and places of employment and available on the private market. Such payment shall be made only to a displaced owner who purchases and occupies a dwelling within one year subsequent to the date on which he is required to move from the dwelling acquired for the project. No such payment shall be required or included as a project cost under section 504 of this title if the owner-occupant receives a payment required by the State law of eminent domain which is determined by the Secretary to have substantially the same purpose and effect as this section and to be part of the cost of the project for which Federal financial assistance is available.

"(b) In addition to amounts otherwise authorized by this title, the State agency shall make a payment to any individual or family displaced from any dwelling not eligible to receive a payment under subsection (a) of this section which dwelling was actually and lawfully occupied by such individual or family for not less than 90 days prior to the initiation of negotiations for acquisition of such property. Such payment, not to exceed \$1,500, shall be the amount which is necessary to enable such person to lease or rent for a period not to exceed 2 years, or to make the down payment on the purchase of, a decent, safe, and sanitary dwelling of standards adequate to accommodate such individual or family in areas not generally less desirable in regard to public utilities and public and commercial facilities.

"§ 507. Expenses incidental to transfer of property

"(a) In addition to amounts otherwise authorized by this title, the State shall reimburse the owner of real property acquired for a project for reasonable and necessary expenses incurred for (1) recording fees, transfer taxes, and similar expenses incidental to conveying such prop-

erty; (2) penalty costs for prepayment of any mortgage entered into in good faith encumbering such real property if such mortgage is on record or has been filed for record under applicable State law on the date of final approval by the State of the location of such project; and (3) the pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting of title in the State, or the effective date of the possession of such real property by the State, whichever is earlier.

“(b) No payment received under this chapter shall be considered as income for the purposes of the Internal Revenue Code of 1954, or for the purpose of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law.

68A Stat. 3.
26 USC 1 *et seq.*
49 Stat. 620.
42 USC 1305.

“§ 508. Relocation services

“(a) Each State shall provide a relocation advisory assistance program which shall include such measures, facilities, or services as may be necessary or appropriate in order—

“(1) to determine the needs, if any, of displaced families, individuals, business concerns, and farm operators for relocation assistance;

“(2) to assure that, within a reasonable period of time, prior to displacement there will be available, to the extent that can reasonably be accomplished, in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, housing meeting the standards established by the Secretary for decent, safe, and sanitary dwellings, equal in number to the number of, and available to, such displaced families and individuals and reasonably accessible to their places of employment;

“(3) to assist owners of displaced businesses and displaced farm operators in obtaining and becoming established in suitable locations; and

“(4) to supply information concerning the Federal Housing Administration home acquisition program under section 221(d)(2) of the National Housing Act, the small business disaster loan program under section 7(b)(3) of the Small Business Act, and other State or Federal programs offering assistance to displaced persons.

73 Stat. 659.
12 USC 1715l.
Post, p. 835.

“(b) Nothing in this chapter shall be construed to prohibit any person from exercising any right or remedy available to him under State law with respect to any action of a State agency in carrying out this chapter.

“§ 509. Relocation assistance programs on Federal highway projects

“Notwithstanding any other provision of law, on and after the effective date of this title any Federal agency which acquires real property for use in connection with a highway project authorized by section 107 and chapter 2 of this title or any other Federal law shall, in accordance with regulations issued by the Secretary, provide the payments and services described in sections 502, 505, 506, 507, and 508 of this title. When real property is acquired by a State or local governmental agency for such a Federal project for purposes of this chapter, the acquisition shall be deemed an acquisition by the Federal agency having authority over such project.

72 Stat. 892.
23 USC 201-214.

“§ 510. Authority of the Secretary

“(a) To carry into effect the provisions of this chapter, the Secretary is authorized to make such rules and regulations as he may determine to be necessary to assure—

“(1) that the payments authorized by this chapter shall be fair and reasonable and as uniform as practicable;

“(2) that a displaced person who makes proper application for a payment authorized for such person by this chapter shall be paid promptly after a move or, in hardship cases, be paid in advance; and

“(3) that any person aggrieved by a determination as to eligibility for a payment authorized by this chapter, or the amount of a payment, may have his application reviewed by the head of the State agency making such determination.

“(b) The Secretary may make such other rules and regulations consistent with the provisions of this chapter as he deems necessary or appropriate to carry out this chapter.

“§ 511. Definitions

“As used in this chapter—

“(1) The term ‘person’ means—

“(A) any individual, partnership, corporation, or association which is the owner of a business;

“(B) any owner, part owner, tenant, or sharecropper who operates a farm;

“(C) an individual who is the head of a family; or

“(D) an individual not a member of a family.

“(2) The term ‘family’ means two or more individuals living together in the same dwelling unit who are related to each other by blood, marriage, adoption, or legal guardianship.

“(3) The term ‘displaced person’ means any person who moves from real property on or after the effective date of this chapter as a result of the acquisition or reasonable expectation of acquisition of such real property, which is subsequently acquired, in whole or in part, for a Federal-aid highway, or as the result of the acquisition for a Federal-aid highway of other real property on which such person conducts a business or farm operation.

“(4) The term ‘business’ means any lawful activity conducted primarily—

“(A) for the purchase and resale, manufacture, processing, or marketing of products, commodities, or any other personal property;

“(B) for the sale of services to the public; or

“(C) by a nonprofit organization.

“(5) The term ‘farm operation’ means any activity conducted solely or primarily for the production of one or more agricultural products or commodities for sale and home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator’s support.

“(6) The term ‘Federal agency’ means any department, agency, or instrumentality in the executive branch of the Government and any corporation wholly owned by the Government.

“(7) The term ‘State agency’ means a State highway department or any agency designated by a State highway department to

administer the relocation assistance program authorized by this chapter."

SMALL BUSINESS ACT

SEC. 31. Paragraph (3) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)(3)) is amended to read as follows:

75 Stat. 167.

"(3) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in continuing in business at its existing location, in reestablishing its business, in purchasing a business, or in establishing a new business, if the Administration determines that such concern has suffered substantial economic injury as the result of its displacement by, or location in, adjacent to, or near, a federally aided urban renewal program or a highway project or any other construction constructed by or with funds provided in whole or in part by the Federal Government; and the purpose of a loan made pursuant to such project or program may, in the discretion of the Administration, include the purchase or construction of other premises whether or not the borrower owned the premises occupied by the business; and".

EMINENT DOMAIN

SEC. 32. Nothing contained in chapter 5 of title 23, United States Code, shall be construed as creating in any condemnation proceedings brought under the power of eminent domain, any element of damages not in existence on the date of enactment of such chapter 5.

Ante, p. 830.

ANNUAL REPORT

SEC. 33. The Secretary of Transportation shall report annually to Congress, but no later than January 15 of each year, concerning his administration of chapter 5 of title 23, United States Code, together with his recommendations, including any necessary legislation with respect to such chapter.

Report to Congress.

FEDERAL SHARE

SEC. 34. Section 120(a) of title 23, United States Code, is hereby amended to read as follows:

72 Stat. 898.

"(a) Subject to the provisions of subsection (d) of this section, the Federal share payable on account of any project, financed with primary, secondary, or urban funds, on the Federal-aid primary system and the Federal-aid secondary system shall either (A) not exceed 50 per centum of the cost of construction, except that in the case of any State containing nontaxable Indian lands, individual and tribal, and public domain lands (both reserved and unreserved) exclusive of national forests and national parks and monuments, exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area, or (B) not exceed 50 per centum of the cost of construction, except that in the case of any State containing nontaxable Indian lands, individual and tribal, public domain lands (both reserved and unreserved), national

forests, and national parks and monuments, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State is of its total area, except that the Federal share payable on any project in a State shall not exceed 95 per centum of the total cost of any such project. In any case where a State elects to have the Federal share provided in clause (B) of this subsection, the State must enter into an agreement with the Secretary covering a period of not less than one year, requiring such State to use solely for highway construction purposes (other than paying its share of projects approved under this title) during the period covered by such agreement the difference between the State's share as provided in clause (B) and what its share would be if it elected to pay the share provided in clause (A) for all projects subject to such agreement."

REAL PROPERTY ACQUISITION POLICIES

Ante, pp. 820,
823, 826.

SEC. 35. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"§ 141. Real property acquisition policies

"Before approving projects under this chapter, the Secretary shall obtain from the State highway department the following assurances:

"(1) that every reasonable effort shall be made to acquire the real property by negotiation;

"(2) that the construction of projects shall be so scheduled that to the greatest extent practicable no person lawfully occupying the real property shall be required to move from his home, farm, or business location without at least 90 days' written notice from the State or political subdivision having responsibility for such acquisition; and

"(3) that it will be the policy of the State, before initiating negotiations for real property, to establish an amount which is believed to be just compensation, under the law of the State, and to make a prompt offer to acquire the property for the full amount so established."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"141. Real property acquisition policies."

SEPARABILITY

SEC. 36. If any provision of this Act (including the amendments made by this Act), or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of the provision to other persons or circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. 37. This Act and the amendments made by this Act shall take effect on the date of its enactment, except that until July 1, 1970, sections 502, 505, 506, 507, and 508 of title 23, United States Code, as added by this Act, shall be applicable to a State only to the extent that such State is able under its laws to comply with such sections. After July 1, 1970, such sections shall be completely applicable to all States. Section 133 of title 23, United States Code, shall not apply to any State if sections 502, 505, 506, 507, and 508 of title 23, United States Code, are applicable in that State, and effective July 1, 1970, such section 133 is repealed.

Ante, p. 830.

76 Stat. 1146.

Ante, p. 830.
Repeal.

Approved August 23, 1968.

Public Law 90-496

AN ACT

To provide for the popular election of the Governor of the Virgin Islands, and for other purposes.

August 23, 1968
[S. 450]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That, effective on the date of enactment of this Act, section 7(a) of the Revised Organic Act of the Virgin Islands (68 Stat. 497, 500; 48 U.S.C. 1573(a)), as amended, is amended to read as follows:

Virgin Islands
Elective Governor
Act.

73 Stat. 569.

“(a) Regular sessions of the legislature shall be held annually, commencing on the second Monday in January (unless the legislature shall by law fix a different date), and shall continue for such term as the legislature may provide. The Governor may call special sessions of the legislature at any time when in his opinion the public interest may require it. No legislation shall be considered at any special session other than that specified in the call therefor or in any special message by the Governor to the legislature while in such session. All sessions of the legislature shall be open to the public.”

SEC. 2. Effective on the date of enactment of this Act, section 9, subsection (a) of the Revised Organic Act of the Virgin Islands (68 Stat. 497, 501; 48 U.S.C. 1575(a)) is amended by deleting the first sentence and by substituting therefor the following: “The quorum of the legislature shall consist of eight of its members.”

SEC. 3. Section 9, subsection (d), of the Revised Organic Act of the Virgin Islands (68 Stat. 497, 502; 48 U.S.C. 1575(d)) is amended by deleting its fifth, sixth, seventh, eighth, ninth, and tenth sentences and by substituting therefor the following: “When a bill is returned by the Governor to the legislature with his objections, the legislature shall enter his objections at large on its journal and, upon motion of a member of the legislature, proceed to reconsider the bill. If, after such reconsideration, two-thirds of all the members of the legislature pass the bill, it shall be a law.”

SEC. 4. Section 11 of the Revised Organic Act of the Virgin Islands (68 Stat. 497, 503; 48 U.S.C. 1591) is amended to read as follows:

“SEC. 11. The executive power of the Virgin Islands shall be vested in an executive officer whose official title shall be the ‘Governor of the Virgin Islands’. The Governor of the Virgin Islands, together with the Lieutenant Governor, shall be elected by a majority of the votes cast by the people who are qualified to vote for the members of the legislature of the Virgin Islands. The Governor and Lieutenant Governor shall be chosen jointly, by the casting by each voter of a single vote applicable to both officers. If no candidates receive a majority of the votes cast in any election, on the fourteenth day thereafter a run-off election shall be held between the candidates for Governor and Lieutenant Governor receiving the highest and second highest number of votes cast. The first election for Governor and Lieutenant Governor shall be held on November 3, 1970. Thereafter, beginning with the year 1974, the Governor and Lieutenant Governor shall be elected every four years at the general election. The Governor and Lieutenant Governor shall hold office for a term of four years and until their successors are elected and qualified. No person who has been elected Governor for two full successive terms shall be again eligible to hold that office until one full term has intervened. The term of the elected Governor and Lieutenant Governor shall commence on the first Monday of January following the date of election.

Governor.

Election.

Term of office.

Qualifications.

“No person shall be eligible for election to the office of Governor or Lieutenant Governor unless he is an eligible voter and has been for five

consecutive years immediately preceding the election a citizen of the United States and a bona fide resident of the Virgin Islands and will be, at the time of taking office, at least thirty years of age. The Governor shall maintain his official residence in the Government House on Saint Thomas during his incumbency, which house, together with land appurtenant thereto, is hereby transferred to the government of the Virgin Islands. While in Saint Croix the Governor may reside in Government House on Saint Croix free of rent.

Powers.

"The Governor shall have general supervision and control of all the departments, bureaus, agencies, and other instrumentalities of the executive branch of the government of the Virgin Islands. He may grant pardons and reprieves and remit fines and forfeitures for offenses against local laws. He may veto any legislation as provided in this Act. He shall appoint, and may remove, all officers and employees of the executive branch of the government of the Virgin Islands, except as otherwise provided in this or any other Act of Congress, or under the laws of the Virgin Islands, and shall commission all officers that he may be authorized to appoint. He shall be responsible for the faithful execution of the laws of the Virgin Islands and the laws of the United States applicable in the Virgin Islands. Whenever it becomes necessary, in case of disaster, invasion, insurrection, or rebellion or imminent danger thereof, or to prevent or suppress lawless violence, he may summon the posse comitatus or call out the militia or request assistance of the senior military or naval commander of the Armed Forces of the United States in the Virgin Islands or Puerto Rico, which may be given at the discretion of such commander if not disruptive of, or inconsistent with, his Federal responsibilities. He may, in case of rebellion or invasion or imminent danger thereof, when the public safety requires it, proclaim the islands, insofar as they are under the jurisdiction of the government of the Virgin Islands, to be under martial law. The members of the legislature shall meet forthwith on their own initiative and may, by a two-thirds vote, revoke such proclamation.

Reports.

68 Stat. 509.
48 USC 1544.

"The Governor shall make to the Secretary of the Interior under section 30 of this Act an annual report of the transactions of the government of the Virgin Islands for transmission to the Congress and such other reports at such other times as may be required by the Congress or under applicable Federal law. He shall have the power to issue executive orders and regulations not in conflict with any applicable law. He may recommend bills to the legislature and give expression to his views on any matter before that body.

Lieutenant Governor.

"There is hereby established the office of Lieutenant Governor of the Virgin Islands. The Lieutenant Governor shall have such executive powers and perform such duties as may be assigned to him by the Governor or prescribed by this Act or under the laws of the Virgin Islands."

SEC. 5. Section 12 of the Revised Organic Act of the Virgin Islands (68 Stat. 497, 503; 48 U.S.C. 1593) is deleted and replaced by the following new provision, also designated section 12:

Removal of Governor from office.

"SEC. 12. Any Governor of the Virgin Islands may be removed from office by a referendum election in which at least two-thirds of the number of persons voting for Governor in the last preceding general election at which a Governor was elected vote in favor of recall and in which those so voting constitute a majority of all those participating in the referendum election. The referendum election shall be initiated by the legislature of the Virgin Islands following (a) a two-thirds vote of the members of the legislature in favor of a referendum, or (b) a petition for such a referendum to the legislature by registered voters equal in number to at least 50 per centum of the whole number

of votes cast for Governor at the last general election at which a Governor was elected preceding the filing of the petition.”

SEC. 6. Effective on the date of enactment of this Act section 13 of the Revised Organic Act of the Virgin Islands (68 Stat. 497, 503; 48 U.S.C. 1594) is hereby repealed.

Repeal.

SEC. 7. (a) Section 14 of the Revised Organic Act of the Virgin Islands (68 Stat. 497, 504; 48 U.S.C. 1595), is amended to read as follows:

“SEC. 14. (a) In case of the temporary disability or temporary absence of the Governor, the Lieutenant Governor shall have the powers of the Governor.

Vacancy in office; line of succession.

“(b) In case of a permanent vacancy in the office of Governor, arising by reason of the death, resignation, removal by recall or permanent disability of the Governor, or the death, resignation, or permanent disability of a Governor-elect, or for any other reason, the Lieutenant Governor or Lieutenant Governor-elect shall become the Governor, to hold office for the unexpired term and until he or his successor shall have been duly elected and qualified at the next regular election for Governor.

“(c) In case of the temporary disability or temporary absence of the Lieutenant Governor, or during any period when the Lieutenant Governor is acting as Governor, the president of the legislature shall act as Lieutenant Governor.

“(d) In case of a permanent vacancy in the office of Lieutenant Governor, arising by reason of the death, resignation, or permanent disability of the Lieutenant Governor, or because the Lieutenant Governor or Lieutenant Governor-elect has succeeded to the office of Governor, the Governor shall appoint a new Lieutenant Governor, with the advice and consent of the legislature, to hold office for the unexpired term and until he or his successor shall have been duly elected and qualified at the next regular election for Lieutenant Governor.

“(e) In case of the temporary disability or temporary absence of both the Governor and the Lieutenant Governor, the powers of the Governor shall be exercised, as Acting Governor, by such person as the laws of the Virgin Islands may prescribe. In case of a permanent vacancy in the offices of both the Governor and Lieutenant Governor, the office of Governor shall be filled for the unexpired term in the manner prescribed by the laws of the Virgin Islands.

“(f) No additional compensation shall be paid to any person acting as Governor or Lieutenant Governor who does not also assume the office of Governor or Lieutenant Governor under the provisions of this Act.”

(b) Section 15 of the Revised Organic Act of the Virgin Islands (68 Stat. 497, 504; 48 U.S.C. 1596), is repealed.

Repeal.

SEC. 8. (a) Subsection (a) of section 16 of the Revised Organic Act of the Virgin Islands, as amended (68 Stat. 497, 504; 48 U.S.C. 1597(a)), is further amended by deleting therefrom the last sentence and inserting in lieu thereof the following sentence: “Members of school boards, which entities of government have been duly organized and established by the government of the Virgin Islands, shall be popularly elected.”

73 Stat. 569.

(b) Subsection (c) of section 6 of the Revised Organic Act of the Virgin Islands (68 Stat. 497, 499; 48 U.S.C. 1572(c)), is amended by changing the period to a colon and inserting the following: “*Provided, however,* That members of boards of elections, which entities of government have been duly organized and established by the government of the Virgin Islands, shall be popularly elected.”

SEC. 9. Effective on the date of the enactment of this Act, section 17 of the Revised Organic Act of the Virgin Islands (68 Stat. 497, 504; 48 U.S.C. 1599) is amended to read as follows:

Comptroller.

"SEC. 17. (a) The Secretary of the Interior shall appoint in the Department of the Interior a government comptroller for the Virgin Islands who shall be under the general supervision of the Secretary of the Interior and shall not be a part of any executive department in the government of the Virgin Islands, and whose salary and expenses of office shall be paid by the United States from funds derived by transfer from the internal revenue collections appropriated for the Virgin Islands. Sixty days prior to the effective date of transfer or removal of the government comptroller, the Secretary shall communicate to the President of the Senate and the Speaker of the House of Representatives his intention to so transfer or remove the government comptroller and his reasons therefor.

Duties.

"(b) The government comptroller shall audit all accounts and review and recommend adjudication of claims pertaining to the revenue and receipts of the government of the Virgin Islands and of funds derived from bond issues, and he shall audit, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to the government of the Virgin Islands, including those pertaining to trust funds held by the government of the Virgin Islands.

"(c) It shall be the duty of the government comptroller to bring to the attention of the Secretary of the Interior and the Governor of the Virgin Islands all failures to collect amounts due the government, and expenditures of funds or uses of property which are irregular or not pursuant to law. The audit activities of the government comptroller shall be directed so as to (1) improve the efficiency and economy of programs of the government of the Virgin Islands, and (2) discharge the responsibility incumbent upon the Congress to insure that the substantial Federal revenues which are covered into the treasury of the government of the Virgin Islands are properly accounted for and audited.

"(d) It shall be the duty of the government comptroller to certify to the Secretary of the Interior the net amount of government revenues which form the basis for Federal grants for the civil government of the Virgin Islands.

"(e) The decisions of the government comptroller shall be final except that appeal therefrom may, with the concurrence of the Governor, be taken by the party aggrieved or the head of the department concerned, within one year from the date of the decision, to the Secretary of the Interior, which appeal shall be in writing and shall specifically set forth the particular action of the government comptroller to which exception is taken, with the reasons and the authorities relied upon for reversing such decision.

"(f) If the Governor does not concur in the taking of an appeal to the Secretary, the party aggrieved may seek relief by suit in the District Court of the Virgin Islands if the claim is otherwise within its jurisdiction. No later than thirty days following the date of the decision of the Secretary of the Interior, the party aggrieved or the Governor, on behalf of the head of the department concerned, may seek relief by suit in the District Court of the Virgin Islands if the claim is otherwise within its jurisdiction.

"(g) The government comptroller is authorized to communicate directly with any person or with any department officer or person having official relation with his office. He may summon witnesses and administer oaths.

“(h) As soon after the close of each fiscal year as the accounts of said fiscal year may be examined and adjusted, the government comptroller shall submit to the Governor of the Virgin Islands and the Secretary of the Interior an annual report of the fiscal condition of the government, showing the receipts and disbursements of the various departments and agencies of the government. The Secretary of the Interior shall submit such report along with his comments and recommendations to the President of the Senate and the Speaker of the House of Representatives.

Fiscal reports.

“(i) The government comptroller shall make such other reports as may be required by the Governor of the Virgin Islands, the Comptroller General of the United States, or the Secretary of the Interior.

“(j) The office and activities of the government comptroller of the Virgin Islands shall be subject to review by the Comptroller General of the United States, and reports thereon shall be made by him to the Governor, the Secretary of the Interior, President of the Senate, and the Speaker of the House of Representatives.

GAO review and reports.

“(k) All departments, agencies, and establishments shall furnish to the government comptroller such information regarding the powers, duties, activities, organizations, financial transactions, and methods of business of their respective offices as he may from time to time require of them; and the government comptroller, or any of his assistants or employees, when duly authorized by him, shall, for the purpose of securing such information, have access to and the right to examine any books, documents, papers, or records of any such department, agency, or establishment.”

SEC. 10. Section 20 of the Revised Organic Act of the Virgin Islands (68 Stat. 497, 505; 48 U.S.C. 1592, 1598, 1641), as amended, is amended to read as follows:

“SEC. 20. The salaries and travel allowances of the Governor, Lieutenant Governor, the heads of the executive departments, other officers and employees of the government of the Virgin Islands, and the members of the legislature shall be paid by the government of the Virgin Islands at rates prescribed by the laws of the Virgin Islands.”

SEC. 11. Effective on the date of enactment of this Act, section 3 of the Revised Organic Act of the Virgin Islands (68 Stat. 497; 48 U.S.C. 1561) is amended by adding at the end thereof the following new paragraphs:

Privileges and immunities provisions, etc.
72 Stat. 1094.

“The following provisions of and amendments to the Constitution of the United States are hereby extended to the Virgin Islands to the extent that they have not been previously extended to that territory and shall have the same force and effect there as in the United States or in any State of the United States: article I, section 9, clauses 2 and 3; article IV, section 1 and section 2, clause 1; the first to ninth amendments inclusive; the thirteenth amendment; the second sentence of section 1 of the fourteenth amendment; and the fifteenth and nineteenth amendments: *Provided, however,* That all offenses shall continue to be prosecuted in the district court by information as heretofore, except such as may be required by local law to be prosecuted by indictment by grand jury.

“All laws enacted by Congress with respect to the Virgin Islands and all laws enacted by the territorial legislature of the Virgin Islands which are inconsistent with the provisions of this subsection are repealed to the extent of such inconsistency.”

SEC. 12. Effective on the date of enactment of this Act, chapter 15 of the General Military Law (70A Stat. 15, 16; 10 U.S.C. 331-334) is amended by adding at the end thereof the following new section 336:

Insurrection laws, applicability.

“SEC. 336. For the purposes of this chapter, ‘State’ includes the unincorporated territory of the Virgin Islands.”

“State.”

Interior Department authority.

SEC. 13. Section 2 of the Revised Organic Act of the Virgin Islands (68 Stat. 497; 48 U.S.C. 1541) is amended by adding at the end thereof the following new subsection (c):

“(c) The relations between such government and the Federal Government in all matters not the program responsibility of another Federal department or agency shall be under the general administrative supervision of the Secretary of the Interior.”

Repeal.

SEC. 14. Effective on the date of enactment of this Act, section 19 of the Revised Organic Act of the Virgin Islands (68 Stat. 505; 48 U.S.C. 1632) is hereby repealed.

SEC. 15. Effective on the date of enactment of this Act, section 8(b) (i) of the Revised Organic Act of the Virgin Islands (68 Stat. 497, 500; 48 U.S.C. 1574(b)), as amended, is further amended by (a) deleting the third and fourth sentences thereof, and (b) by deleting the eighth and ninth sentences thereof and substituting in lieu thereof the following sentence: “The bonds so issued shall bear interest at a rate not to exceed that specified by the legislature, payable semiannually.”

Effective date.

SEC. 16. Those provisions of this Act necessary to authorize the holding of an election for Governor and Lieutenant Governor on November 3, 1970, shall be effective on January 1, 1970. All other provisions of this Act, unless otherwise expressly provided herein, shall be effective January 4, 1971.

Short title.

SEC. 17. This Act may be cited as the “Virgin Islands Elective Governor Act”.

Approved August 23, 1968.

Public Law 90-497

September 11, 1968
[S. 449]

AN ACT

To provide for the popular election of the Governor of Guam, and for other purposes.

Guam Elective
Governor Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Organic Act of Guam (64 Stat. 384, 386; 48 U.S.C. 1422), is amended to read as follows:

“SEC. 6. The executive power of Guam shall be vested in an executive officer whose official title shall be the ‘Governor of Guam’. The Governor of Guam, together with the Lieutenant Governor, shall be elected by a majority of the votes cast by the people who are qualified to vote for the members of the Legislature of Guam. The Governor and Lieutenant Governor shall be chosen jointly, by the casting by each voter of a single vote applicable to both offices. If no candidates

receive a majority of the votes cast in any election, on the fourteenth day thereafter a runoff election shall be held between the candidates for Governor and Lieutenant Governor receiving the highest and second highest number of votes cast. The first election for Governor and Lieutenant Governor shall be held on November 3, 1970. Thereafter, beginning with the year 1974, the Governor and Lieutenant Governor shall be elected every four years at the general election. The Governor and Lieutenant Governor shall hold office for a term of four years and until their successors are elected and qualified.

"No person who has been elected Governor for two full successive terms shall again be eligible to hold that office until one full term has intervened.

Term of office.

"The term of the elected Governor and Lieutenant Governor shall commence on the first Monday of January following the date of election.

"No person shall be eligible for election to the office of Governor or Lieutenant Governor unless he is an eligible voter and has been for five consecutive years immediately preceding the election a citizen of the United States and a bona fide resident of Guam and will be, at the time of taking office, at least thirty years of age. The Governor shall maintain his official residence in Guam during his incumbency.

Qualifications.

"The Governor shall have general supervision and control of all the departments, bureaus, agencies, and other instrumentalities of the executive branch of the government of Guam. He may grant pardons and reprieves and remit fines and forfeitures for offenses against local laws. He may veto any legislation as provided in this Act. He shall appoint, and may remove, all officers and employees of the executive branch of the government of Guam, except as otherwise provided in this or any other Act of Congress, or under the laws of Guam, and shall commission all officers that he may be authorized to appoint. He shall be responsible for the faithful execution of the laws of Guam and the laws of the United States applicable in Guam. Whenever it becomes necessary, in case of disaster, invasion, insurrection, or rebellion, or imminent danger thereof, or to prevent or suppress lawless violence, he may summon the posse comitatus or call out the militia or request assistance of the senior military or naval commander of the Armed Forces of the United States in Guam, which may be given at the discretion of such commander if not disruptive of, or inconsistent with, his Federal responsibilities. He may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, proclaim the island, insofar as it is under the jurisdiction of the government of Guam, to be under martial law. The

Powers and duties.

members of the legislature shall meet forthwith on their own initiative and may, by a two-thirds vote, revoke such proclamation.

Annual report.

"The Governor shall make to the Secretary of the Interior an annual report of the transactions of the government of Guam for transmission to the Congress and such other reports at such other times as may be required by the Congress or under applicable Federal law. He shall have the power to issue executive orders and regulations not in conflict with any applicable law. He may recommend bills to the legislature and give expression to his views on any matter before that body.

Lieutenant Governor.

"There is hereby established the office of Lieutenant Governor of Guam. The Lieutenant Governor shall have such executive powers and perform such duties as may be assigned to him by the Governor or prescribed by this Act or under the laws of Guam."

Removal of Governor from office.

SEC. 2. Section 7 of the Organic Act of Guam (64 Stat. 384, 387; 48 U.S.C. 1422a), is deleted and replaced by the following new provision, also designated section 7:

"SEC. 7. Any Governor of Guam may be removed from office by a referendum election in which at least two-thirds of the number of persons voting for Governor in the last preceding general election at which a Governor was elected, vote in favor of recall and in which those so voting constitute a majority of all those participating in the referendum election. The referendum election shall be initiated by the legislature of Guam following (a) a two-thirds vote of the members of the legislature in favor of a referendum, or (b) a petition for such a referendum to the legislature by registered voters equal the number to at least 50 per centum of the whole number of votes cast for Governor at the last general election at which a Governor was elected preceding the filing of the petition."

Vacancy in office; line of succession.

SEC. 3. Section 8 of the Organic Act of Guam (64 Stat. 384, 387; 48 U.S.C. 1422b), as amended, is amended to read as follows:

"SEC. 8. (a) In case of the temporary disability or temporary absence of the Governor, the Lieutenant Governor shall have the powers of the Governor.

"(b) In case of a permanent vacancy in the office of Governor, arising by reason of the death, resignation, removal by recall, or permanent disability of the Governor, or the death, resignation, or permanent disability of a Governor-elect, or for any other reason, the Lieutenant Governor or Lieutenant Governor-elect shall become the Governor, to hold office for the unexpired term and until he or his successor shall have been duly elected and qualified at the next regular election for Governor.

"(c) In case of the temporary disability or temporary absence of the Lieutenant Governor, or during any period when the Lieutenant Governor is acting as Governor, the speaker of the Guam Legislature shall act as Lieutenant Governor.

"(d) In case of a permanent vacancy in the office of Lieutenant Governor, arising by reason of the death, resignation, or permanent disability of the Lieutenant Governor, or because the Lieutenant Governor or Lieutenant Governor-elect has succeeded to the office of Governor, the Governor shall appoint a new Lieutenant Governor, with the advice and consent of the legislature, to hold office for the unexpired term and until he or his successor shall have been duly elected and qualified at the next regular election for Lieutenant Governor.

“(e) In case of the temporary disability or temporary absence of both the Governor and the Lieutenant Governor, the powers of the Governor shall be exercised, as Acting Governor, by such person as the laws of Guam may prescribe. In case of a permanent vacancy in the offices of both the Governor and Lieutenant Governor, the office of Governor shall be filled for the unexpired term in the manner prescribed by the laws of Guam.

“(f) No additional compensation shall be paid to any person acting as Governor or Lieutenant Governor who does not also assume the office of Governor or Lieutenant Governor under the provisions of this Act.”

SEC. 4. (a) Effective on the date of enactment of this Act, the second and third sentences of subsection (a) of section 9 of the Organic Act of Guam (64 Stat. 384, 387; 48 U.S.C. 1422c(a)) are deleted.

(b) The first sentence of subsection (b) of section 9 of the Organic Act of Guam (64 Stat. 384, 387; 48 U.S.C. 1422c(b)) is deleted.

SEC. 5. Effective on the date of enactment of this Act, the Organic Act of Guam is amended by adding immediately after the end of section 9 (64 Stat. 384, 387; 48 U.S.C. 1422c) the following new section 9-A:

Comptroller.

“SEC. 9-A. (a) The Secretary of the Interior shall appoint in the Department of the Interior a government comptroller for Guam who shall be under the general supervision of the Secretary of the Interior and shall not be a part of any executive department in the government of Guam, and whose salary and expenses of office shall be paid by the United States from funds otherwise to be covered into the treasury of Guam pursuant to section 30 of this Act. Sixty days prior to the effective date of transfer or removal of the government comptroller, the Secretary shall communicate to the President of the Senate and the Speaker of the House of Representatives his intention to so transfer or remove the government comptroller and his reasons therefor.

48 USC 1421h.

“(b) The government comptroller shall audit all accounts and review and recommend adjudication of claims pertaining to the revenue and receipts of the government of Guam and of funds derived from bond issues; and he shall audit, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to the government of Guam including those pertaining to trust funds held by the government of Guam.

Duties.

“(c) It shall be the duty of the government comptroller to bring to the attention of the Secretary of the Interior and the Governor of Guam all failures to collect amounts due the government, and expenditures of funds or uses of property which are irregular or not pursuant to law. The audit activities of the government comptroller shall be directed so as to (1) improve the efficiency and economy of programs of the government of Guam, and (2) discharge the responsibility incumbent upon the Congress to insure that the substantial Federal revenues which are covered into the treasury of the government of Guam are properly accounted for and audited.

“(d) The decisions of the government comptroller shall be final except that appeal therefrom may, with the concurrence of the Governor, be taken by the party aggrieved or the head of the department concerned, within one year from the date of the decision, to the Secretary of the Interior, which appeal shall be in writing and shall specifically set forth the particular action of the government comptroller

to which exception is taken, with the reasons and the authorities relied upon for reversing such decision.

“(e) If the Governor does not concur in the taking of an appeal to the Secretary, the party aggrieved may seek relief by suit in the District Court of Guam if the claim is otherwise within its jurisdiction. No later than thirty days following the date of the decision of the Secretary of the Interior, the party aggrieved or the Governor, on behalf of the head of the department concerned, may seek relief by suit in the District Court of Guam, if the claim is otherwise within its jurisdiction.

“(f) The government comptroller is authorized to communicate directly with any person or with any department officer or person having official relation with his office. He may summon witnesses and administer oaths.

Fiscal report.

“(g) As soon after the close of each fiscal year as the accounts of said fiscal year may be examined and adjusted, the government comptroller shall submit to the Governor of Guam and the Secretary of the Interior an annual report of the fiscal condition of the government, showing the receipts and disbursements of the various departments and agencies of the government. The Secretary of the Interior shall submit such report along with his comments and recommendations to the President of the Senate and the Speaker of the House of Representatives.

“(h) The government comptroller shall make such other reports as may be required by the Governor of Guam, the Comptroller General of the United States, or the Secretary of the Interior.

GAO review
and reports.

“(i) The office and activities of the government comptroller of Guam shall be subject to review by the Comptroller General of the United States, and reports thereon shall be made by him to the Governor, the Secretary of the Interior, the President of the Senate and the Speaker of the House of Representatives.

“(j) All departments, agencies, and establishments shall furnish to the government comptroller such information regarding the powers, duties, activities, organization, financial transactions, and methods of business of their respective offices as he may from time to time require of them; and the government comptroller, or any of his assistants or employees, when duly authorized by him, shall, for the purpose of securing such information, have access to and the right to examine any books, documents, papers, or records of any such department, agency, or establishment.”

Legislature,
regular and special sessions.

SEC. 6. (a) Effective on the date of the enactment of this Act, section 18 of the Organic Act of Guam (64 Stat. 384, 388; 48 U.S.C. 1423h) is amended to read as follows:

“SEC. 18. Regular sessions of the legislature shall be held annually, commencing on the second Monday in January (unless the legislature shall by law fix a different date), and shall continue for such term as the legislature may provide. The Governor may call special sessions of the legislature at any time when, in his opinion, the public interest may require it. No legislation shall be considered at any special session other than that specified in the call therefor or in any special message by the Governor to the legislature while in such session. All sessions of the legislature shall be open to the public.”

Quorum.

(b) Effective on the date of enactment of this Act, section 12 of the Organic Act of Guam (64 Stat. 384, 388; 48 U.S.C. 1423b) is amended by adding after the last sentence thereof the following: “The quorum of the legislature shall consist of eleven of its members. No bill shall

become a law unless it shall have been passed at a meeting, at which a quorum was present, by the affirmative vote of a majority of the members present and voting, which vote shall be by yeas and nays.”

SEC. 7. Effective on the date of enactment of this Act, section 25(b) of the Organic Act of Guam (48 U.S.C. 1421c(b)) is repealed.

Repeal.

SEC. 8. (a) Section 19 of the Organic Act of Guam (64 Stat. 384, 389; 48 U.S.C. 1423i) is amended by deleting its fourth, fifth, sixth, seventh, eighth, and ninth sentences and by substituting therefor the following: “When a bill is returned by the Governor to the legislature with his objections, the legislature shall enter his objections at large on its journal and, upon motion of a member of the legislature, proceed to reconsider the bill. If, after such reconsideration, two-thirds of all the members of the legislature pass the bill, it shall be a law.”

Vetoed bills, approval.

(b) Effective on the date of enactment of this Act, section 19 of the Organic Act of Guam (48 U.S.C. 1423i) is further amended by deleting the last sentence thereof.

SEC. 9. (a) Effective on the date of enactment of this Act, subsection (c) of section 26 of the Organic Act of Guam (64 Stat. 384, 391; 48 U.S.C. 1421d(c)) is repealed.

Repeal.

(b) Effective January 4, 1971, the remainder of section 26 of the Organic Act of Guam (64 Stat. 384, 391; 48 U.S.C. 1421d), as amended, is amended to read as follows:

Salaries, etc.

“SEC. 26. The salaries and travel allowances of the Governor, Lieutenant Governor, the heads of the executive departments, other officers and employees of the government of Guam, and the members of the legislature, shall be paid by the government of Guam at rates prescribed by the laws of Guam.”

SEC. 10. Effective on the date of enactment of this Act, section 5 of the Organic Act of Guam (64 Stat. 384, 385; 48 U.S.C. 1421b), is amended by adding at the end thereof the following new subsection (u):

Privileges and immunities provisions, etc.

“(u) The following provisions of and amendments to the Constitution of the United States are hereby extended to Guam to the extent that they have not been previously extended to that territory and shall have the same force and effect there as in the United States or in any State of the United States: article I, section 9, clauses 2 and 3; article IV, section 1 and section 2, clause 1; the first to ninth amendments inclusive; the thirteenth amendment; the second sentence of section 1 of the fourteenth amendment; and the fifteenth and nineteenth amendments.

“All laws enacted by Congress with respect to Guam and all laws enacted by the territorial legislature of Guam which are inconsistent with the provisions of this subsection are repealed to the extent of such inconsistency.”

SEC. 11. Effective on the date of enactment of this Act, chapter 15 of the General Military Law (70A Stat. 15, 16; 10 U.S.C. 331-334) is amended by adding at the end thereof the following new section 335:

Insurrection laws, applicability.

“SEC. 335. For purposes of this chapter, ‘State’ includes the unincorporated territory of Guam.”

“State.”

SEC. 12. (a) Section 3 of the Organic Act of Guam (64 Stat. 384; 48 U.S.C. 1421a), as amended, is further amended by deleting all after the words “Federal Government” and inserting in lieu thereof the words “in all matters not the program responsibility of another Federal department or agency, shall be under the general administrative supervision of the Secretary of the Interior.”

Interior Department authority.

(b) Section 28(c) of the Organic Act of Guam (64 Stat. 384, 392; 48 U.S.C. 1421f(c)), as amended, is amended by deleting the words "head of the department or agency designated by the President under section 3 of this Act," by deleting from the proviso the words "head of such department or agency," and by substituting in each such instance the words "Secretary of the Interior".

Effective dates.

SEC. 13. Those provisions necessary to authorize the holding of an election for Governor and Lieutenant Governor on November 3, 1970, shall be effective on January 1, 1970. All other provisions of this Act, unless otherwise expressly provided herein, shall be effective January 4, 1971.

Short title.

SEC. 14. This Act may be cited as the "Guam Elective Governor Act."

Approved September 11, 1968.

Public Law 90-498

September 17, 1968
[H. J. Res. 1299]

JOINT RESOLUTION

Authorizing the President to proclaim annually the week including September 15 and 16 as "National Hispanic Heritage Week".

National His-
panic Heritage
Week.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue annually a proclamation designating the week including September 15 and 16 as "National Hispanic Heritage Week" and calling upon the people of the United States, especially the educational community, to observe such week with appropriate ceremonies and activities.

Approved September 17, 1968.

Public Law 90-499

September 18, 1968
[H. J. Res. 1404]

JOINT RESOLUTION

Authorizing and requesting the President to proclaim the week of November 17 through 23, 1968, as "National Family Health Week".

National Family
Health Week.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to officially proclaim the week of November 17 through 23, 1968, as "National Family Health Week" as a means of focusing national attention during the year upon the accomplishments of the American health care system and the central role played by the family physician in the maintenance of superior medical care for Americans of all ages and from all walks of life.

Approved September 18, 1968.

Public Law 90-500

AN ACT

September 20, 1968
[S. 3293]

To authorize appropriations during the fiscal year 1969 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—PROCUREMENT

Armed Forces.
Appropriation
authorization,
1969.

SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1969 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, as authorized by law, in amounts as follows:

AIRCRAFT

For aircraft: for the Army, \$735,447,000; for the Navy and Marine Corps, \$2,406,988,000, of which \$241,800,000 is authorized to be appropriated only for F-4J aircraft and \$162,800,000 is authorized to be appropriated only for EA-6B aircraft; for the Air Force, \$5,212,000,000.

MISSILES

For missiles: for the Army, \$956,140,000; for the Navy, \$848,212,000, of which \$55,500,000 is authorized to be appropriated only for the Phoenix missile; for the Marine Corps, \$13,500,000; for the Air Force, \$1,768,000,000.

NAVAL VESSELS

For naval vessels: for the Navy, \$1,581,500,000, of which \$52,000,000 is authorized to be appropriated only for the procurement of long leadtime components that could be used in vessels of either the DXGN or DLGN types and \$22,500,000 is authorized to be appropriated only for long leadtime components for an improved nuclear-powered attack submarine of new design.

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, \$299,426,000; for the Marine Corps, \$10,800,000.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND
EVALUATION

SEC. 201. Funds are hereby authorized to be appropriated during the fiscal year 1969 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, \$1,611,900,000;

For the Navy (including the Marine Corps), \$2,205,721,000, of which (a) \$46,900,000 is authorized to be appropriated only for the development of the Phoenix missile system, (b) \$170,000,000 is authorized to be appropriated only for the development of the VFX-1 aircraft,

(c) \$4,000,000 is authorized to be appropriated only for development of an improved nuclear attack submarine to be included in the fiscal year 1970 procurement program, and (d) \$16,400,000 is authorized to be appropriated only for an improved nuclear-powered attack submarine of new design to be procured in years after fiscal year 1970;

For the Air Force, \$3,438,594,000; and

For the Defense Agencies, \$487,522,000.

SEC. 202. There is hereby authorized to be appropriated to the Department of Defense during fiscal year 1969 for use as an emergency fund for research, development, test, and evaluation or procurement or production related thereto, \$50,000,000.

SEC. 203. None of the funds authorized to be appropriated by this Act may be used for development or procurement of the F-111B aircraft.

TITLE III—RESERVE FORCES

SEC. 301. For the fiscal year beginning July 1, 1968, and ending June 30, 1969, the Selected Reserve of each reserve component of the Armed Forces will be programed to attain an average strength of not less than the following:

- (1) The Army National Guard of the United States, 400,000.
- (2) The Army Reserve, 260,000.
- (3) The Naval Reserve, 128,407.
- (4) The Marine Corps Reserve, 47,204.
- (5) The Air National Guard of the United States, 77,371.
- (6) The Air Force Reserve, 45,526.
- (7) The Coast Guard Reserve, 17,700.

Reduction provisions.

SEC. 302. The average strength prescribed by section 301 of this title for the Selected Reserve of any reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, not including those units ordered to active duty in January 1968, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever any such units, including those units ordered to active duty in January 1968, or such individual members are released from active duty during any fiscal year, the average strength for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

10 USC 263 note.

SEC. 303. Subsection (e) of title I of Public Law 89-687 (80 Stat. 981) is amended by deleting "June 30, 1968" and substituting "June 30, 1969".

TITLE IV—GENERAL PROVISIONS

Funds, availability for Vietnamese forces, etc.

SEC. 401. Subsection (a) of section 401 of Public Law 89-367, approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended to read as follows: "Funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support

(1) Vietnamese and other Free World Forces in Vietnam, (2) local forces in Laos and Thailand; and for related costs, during the fiscal year 1969 on such terms and conditions as the Secretary of Defense may determine."

SEC. 402. It is hereby declared to be the sense of the Congress that the Department of Defense, as soon as practicable, institute such measures as may be necessary to modernize the contract commercial airlift services provided to the Armed Forces of the United States.

Airlift services,
modernization.

SEC. 403. (a) Chapter 153 of title 10, United States Code, is amended by adding at the end thereof the following new section:

70A Stat. 143.
10 USC 2571-
2575.

"§ 2576. Surplus military equipment: sale to State and local law enforcement and firefighting agencies

"(a) The Secretary of Defense, under regulations prescribed by him, may sell to State and local law enforcement and firefighting agencies, at fair market value, pistols, revolvers, shotguns, rifles of a caliber not exceeding .30, ammunition for such firearms, gas masks, and protective body armor which (1) are suitable for use by such agencies in carrying out law enforcement and firefighting activities, and (2) have been determined to be surplus property pursuant to the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended.

40 USC 471
note.

"(b) Such surplus military equipment shall not be sold under the provisions of this section to a State or local law enforcement or firefighting agency unless request therefor is made by such agency, in such form and manner as the Secretary of Defense shall prescribe, and such request, with respect to the type and amount of equipment so requested, is certified as being necessary and suitable for the operation of such agency by the Governor (or such State official as he may designate) of the State in which such agency is located. Equipment sold to a State or local law enforcement or firefighting agency under this section shall not exceed, in quantity, the amount requested and certified for such agency and shall be for the exclusive use of such agency. Such equipment may not be sold, or otherwise transferred, by such agency to any individual or public or private organization or agency."

(b) The table of sections at the beginning of chapter 153 of such title is amended by adding at the end thereof the following:

"2576. Surplus military equipment: sale to State and local law enforcement and firefighting agencies."

SEC. 404. No funds authorized for appropriation for the use of the Armed Forces of the United States under the provisions of this Act or the provisions of any other law shall be available for the purchase, lease, rental, or other acquisition of multipassenger motor vehicles (buses) other than multipassenger motor vehicles (buses) manufactured in the United States, except as may be authorized by regulations promulgated by the Secretary of Defense solely to insure that compliance with this prohibition will not result in either an uneconomical procurement action or one which would adversely affect the national interests of the United States.

Motor vehicles.

SEC. 405. Section 2304 (g) of title 10, United States Code is amended by inserting a comma after the word "proposals" where first used in that section and inserting after the comma the words "including price,".

76 Stat. 528.

Approved September 20, 1968.

Public Law 90-501

September 20, 1968
[H. R. 15268]

AN ACT

To authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and provide certain services to the Boy Scouts of America for use in the 1969 National Jamboree, and for other purposes.

Boy Scouts.
Seventh National
Jamboree, military
support.

39 Stat. 227.
36 USC 21-29.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Defense is hereby authorized, under such regulations as he may prescribe, to lend to the Boy Scouts of America, a corporation created under the Act of June 15, 1916, for the use and accommodation of approximately forty thousand Scouts and officials who are to attend the Seventh National Jamboree of the Boy Scouts of America to be held at Farragut State Park, Idaho, during July 1969, such tents, cots, blankets, commissary equipment, refrigerators, vehicles, and other equipment and services as may be necessary or useful to the extent that items are in stock and available and their issue will not jeopardize the national defense program.

Equipment.

(b) Such equipment is authorized to be delivered at such time prior to the holding of such jamboree and to be returned at such time after the close of such jamboree, as may be agreed upon by the Secretary of Defense and the National Council, Boy Scouts of America. No expense shall be incurred by the United States Government for the delivery and return of such equipment, and the Boy Scouts of America shall pay for the cost of the actual rehabilitation and repair, or replacement of such equipment.

Bond.

(c) The Secretary of Defense, before delivering such property, shall take from the Boy Scouts of America a good and sufficient bond for the safe return of such property in good order and condition, and the whole without expense to the United States.

Logistical serv-
ices.

SEC. 2. The Secretary of Defense is hereby authorized, under such regulations as he may prescribe, to provide to the Boy Scouts of America, in support of the encampment referred to in subsection (a) of the first section of this Act, such communication, medical, engineering, protective, and other logistical services as may be necessary or useful to the extent that such services are available and the providing of them will not jeopardize the national defense program.

Federal assist-
ance.

SEC. 3. Each department of the Federal Government is hereby authorized under such regulations as may be prescribed by the Secretary thereof to assist the Boy Scouts of America in the carrying out and the fulfillment of the plans for the encampment referred to in subsection (a) of the first section of this Act.

Approved September 20, 1968.

Public Law 90-502

September 20, 1968
[H. R. 18146]

AN ACT

To amend title 10, United States Code, to correct an inequity affecting officers of the Supply Corps and Civil Engineer Corps of the Navy.

Navy.
Supply Corps
and Civil Engi-
neer Corps, offi-
cers.
70A Stat. 409.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6388 of title 10, United States Code, is amended as follows:

(1) Subsection (a) is redesignated as subsection "(b)" and is amended by—

(A) striking out "originally" and inserting "initially" in place thereof; and

(B) inserting "except the Supply Corps and the Civil Engineer Corps" after "any staff corps of the Navy".

(2) Subsection (b) is redesignated as subsection "(c)" and is amended by inserting "or (b)" after "subsection (a)".

(3) Subsection (c) is redesignated as subsection "(d)" and is amended by striking out "(b)" and inserting "(c)" in place thereof.

(4) Subsection (d) is redesignated as subsection "(e)".

(5) Subsection (e) is redesignated as subsection "(f)" and is amended by striking out "(d)" and inserting "(e)" in place thereof.

(6) A new subsection (a) is inserted reading as follows:

"(a) For the purpose of the preceding sections of this chapter, the total commissioned service of each officer on the active list of the Navy in the Supply Corps or the Civil Engineer Corps who was initially appointed as a Regular or as a Reserve in the grade of ensign in the line or any staff corps or in the grade of lieutenant (junior grade) in the Civil Engineer Corps and who has served continuously on active duty since that appointment shall be computed from June 30, of the fiscal year in which he accepted that appointment."

SEC. 2. Notwithstanding any other provision of law, an officer of the Navy in the Supply Corps or the Civil Engineer Corps who is not selected for promotion to a higher grade after the enactment of this Act may not be retired under chapter 573 of title 10, United States Code, earlier than he would have been retired had this Act not been enacted.

10 USC 6371-6410.

Approved September 20, 1968.

Public Law 90-503

AN ACT

September 21, 1968
[H. R. 9362]

To authorize the Secretary of the Interior to construct, operate, and maintain the Mountain Park reclamation project, Oklahoma, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to construct, operate, and maintain the Mountain Park reclamation project, Oklahoma, under the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) for the principal purposes of storing, regulating, and furnishing water for municipal, domestic, and industrial uses, conserving and developing fish and wildlife resources, providing outdoor recreation opportunities, and controlling floods. The principal features of the project shall consist of a dam and reservoir on Otter Creek, a diversion dam on Elk Creek, a canal from the diversion dam to a storage reservoir on Otter Creek, aqueducts from the storage reservoir to the cities of Altus and Snyder, Oklahoma, a wildlife management area, and basic public outdoor recreation facilities. Construction of the project may be undertaken in such units or stages as in the determination of the Secretary will best serve project requirements and meet water needs.

Mountain Park
reclamation proj-
ect, Okla.

43 USC 371.

SEC. 2. (a) Costs of the project, or any unit or stage thereof, allocated to municipal water supply, shall be repayable, with interest, by the municipal water users over a period of not more than fifty years from the date that water is first delivered for that purpose, pursuant to contracts with municipal corporations or other organizations, as defined in section 2(g) of the Reclamation Project Act of 1939 (53 Stat. 1187). Such contracts shall be precedent to the commencement of construction of any unit or stage of the project. The contracting organization shall be responsible for the disposal and sale of water surplus

Repayment
period.

43 USC 485a.

to its requirements, but revenues therefrom shall be used only for payment of operation and maintenance costs, interest, and retirement of the obligation assumed in the contract. Contracts may be entered into with water users' organizations pursuant to the provisions of this Act without regard to the last sentence of subsection 9(c) of the Reclamation Project Act of 1939 (53 Stat. 1187).

(b) The interest rate used for computing interest during construction and interest on the unpaid balance of the costs of the project allocated to municipal water supply shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is commenced, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption for fifteen years from date of issue, and by adjusting such interest rate to the nearest multiple of one-eighth of 1 per centum if the computed average interest rate is not a multiple of one-eighth of 1 per centum.

SEC. 3. The Secretary is authorized to transfer to a water users' organization the care, operation, and maintenance of the project works, and, if such transfer is made to credit annually against the organization's repayment obligation that portion of the year's operation and maintenance costs which, if the United States had continued to operate the project, would have been allocated to flood control, fish and wildlife, and recreation purposes. Prior to assuming care, operation, and maintenance of the project works the water users' organization shall obligate itself to operate them in accordance with regulations prescribed by the Secretary of the Army with respect to flood control, and by the Secretary of the Interior with respect to fish and wildlife and recreation. Upon complete payment of the obligation assumed, the water users' organization, its designee or designees, shall be conveyed title to such portions of the aqueducts and related facilities as are used solely for delivering project water to water users, and shall have a permanent right to use that portion of project reservoir capacity which is or may be allocated to municipal and industrial water supply purposes by the Secretary of the Interior, so long as the space designated for those purposes may be physically available, taking into account such equitable reallocation of reservoir storage capacities among the purposes to be served by the project as may be necessary due to sedimentation, subject, if the project is then operated by the United States, to payment to the United States of a reasonable annual charge to cover operation and maintenance costs and a fair share of administrative costs applicable to the project.

SEC. 4. Expenditures for the Mountain Park project may be made without regard to the soil survey and land classification requirements of the Interior Department Appropriation Act of 1954 (67 Stat. 266).

SEC. 5. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the Mountain Park reclamation project shall be in accordance with the Federal Water Project Recreation Act (79 Stat. 213).

SEC. 6. There is hereby authorized to be appropriated for construction of the Mountain Park Reclamation Project the sum of \$19,978,000 (January 1965 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the type of construction involved herein. There are also authorized to be appropriated such additional sums as may be required for the operation and maintenance of the project.

Approved September 21, 1968.

43 USC 485h.

Interest rate;
determination by
Secretary.

Transfer of op-
eration.

43 USC 390a.

16 USC 460l
note.
Appropriation.

Public Law 90-504

AN ACT

September 21, 1968

[H. R. 14205]

To provide for the disposition of funds appropriated to pay a judgment in favor of the Creek Nation of Indians in Indian Claims Commission docket numbered 21, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall prepare a roll of all persons who meet the following requirements: (a) they were born on or prior to and were living on the date of this Act; (b) their names or the names of lineal ancestors appear on any of the documents identified herein or on any available census rolls or other records acceptable to the Secretary, which identify the person as a Creek Indian, including ancient documents or records of the United States located in the National Archives, State or county records in the archives of the several States or counties therein or in the courthouses thereof, and other records that would be admissible as evidence in an action to determine Indian lineage:

Indians, Creek
Nation.
Judgment funds,
disposition.

(1) The Final Rolls of Creeks by Blood which were closed as of March 4, 1907;

(2) Claims of Friendly Creeks paid under the Act of March 3, 1817 (H.R. Doc. 200, 20:1, 1828);

6 Stat. 191.

(3) Census of the Creek Nation, 1833, made pursuant to article 2 of the treaty concluded March 24, 1832 (Senate Doc. 512, 1835, Emigration Correspondence, 1831-1833, pages 239-395);

7 Stat. 366.

(4) Land Location Registers of Creek Indian Lands, made pursuant to the Treaty of March 24, 1832;

(5) Any emigration or muster rolls of Creek Indians;

(6) Any lists of self-emigrant Creek claimants (including those contained in Senate Ex. Doc. 198, 50:1, 1888, and H.R. Ex. Doc. 238, 51:2, 1891).

Applications for enrollment must be filed with the Area Director of the Bureau of Indian Affairs, Muskogee, Oklahoma, in the manner and within the time limits prescribed for that purpose. The determination of the Secretary regarding the eligibility of an applicant shall be final.

Eligibility.

SEC. 2. After the deduction of attorney fees, litigation expenses, the costs of distribution, and the cost of preparing the roll pursuant to section 1 of this Act, the funds, including interest, remaining to the credit of the Creek Nation as constituted August 9, 1814, which were appropriated by the Act of April 30, 1965, to pay a judgment obtained in Indian Claims Commission docket numbered 21, shall be distributed on a per capita basis to all persons whose names appear on the roll. The funds so distributed shall not be subject to Federal or State income taxes.

79 Stat. 81.

Tax exemption.

SEC. 3. The Secretary shall distribute a share payable to a living enrollee directly to such enrollee or in such manner as is deemed by the Secretary to be in the enrollee's best interest, and he shall distribute the per capita share of a deceased enrollee to his heirs or legatees upon proof of death and inheritance satisfactory to the Secretary, whose findings upon such proof shall be final and conclusive. Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under legal disability shall be paid to the persons who the Secretary determines will best protect their interests.

Equal shares.
Heirs of de-
ceased enrollees.

SEC. 4. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act, including establishing an appropriate deadline for filing applications.

Filing deadline,
etc.

Approved September 21, 1968.

Public Law 90-505

AN ACT

September 21, 1968

[S. 3133]

To extend for one year the authority to limit the rates of interest or dividends payable on time and savings deposits and accounts, and for other purposes.

Interest and
dividends.
Controls, ex-
tension.
81 Stat. 226.
12 USC 461
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 7 of the Act of September 21, 1966 (Public Law 89-597; 80 Stat. 823) is amended to read:

"SEC. 7. Effective September 22, 1969—

"(1) so much of section 19(j) of the Federal Reserve Act (12 U.S.C. 371b) as precedes the third sentence thereof is amended to read as it would without the amendment made by section 2(c) of this Act;

"(2) the second and third sentences of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) are amended to read as they would without the amendment made by section 3 of this Act; and

"(3) section 5B of the Federal Home Loan Bank Act (12 U.S.C. 1425b) is repealed."

Repeal.
80 Stat. 824.

SEC. 2. (a) The first sentence of section 19(j) of the Federal Reserve Act (12 U.S.C. 371b) is amended by changing "limit by regulation" to read "prescribe rules governing the payment and advertisement of interest on deposits, including limitations on".

(b) The second sentence of section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended by changing "limit by regulation" to read "prescribe rules governing the payment and advertisement of interest on deposits, including limitations on".

(c) The first sentence of section 5B of the Federal Home Loan Bank Act (12 U.S.C. 1425b) is amended by changing "limit by regulation" to read "prescribe rules governing the payment and advertisement of interest or dividends on deposits, shares, or withdrawable accounts, including limitations on".

48 Stat. 180.

38 Stat. 264;
80 Stat. 825.
12 USC 355.

48 Stat. 7.

SEC. 3. (a) The first sentence of the eighth full paragraph of section 13 of the Federal Reserve Act (12 U.S.C. 347) is amended by inserting "or secured by such obligations as are eligible for purchase under section 14(b) of this Act" immediately before the period at the end thereof.

(b) The first sentence of the last full paragraph of such section (12 U.S.C. 347c) is amended by inserting "or by any obligation which is a direct obligation of, or fully guaranteed as to principal and interest by, any agency of the United States" immediately before the period at the end thereof.

Liquidity
requirements.
64 Stat. 257.
12 USC 1425a.

SEC. 4. Section 5A of the Federal Home Loan Bank Act is amended to read as follows:

"SEC. 5A. (a) The purpose of this section is to provide a means for creating meaningful and flexible liquidity in savings and loan associations and other members which can be increased when mortgage money is plentiful, maintained in easily liquidated instruments, and reduced to add to the flow of funds to the mortgage market in periods of credit stringency. More flexible liquidity will help support two main purposes of the Federal Home Loan Bank Act—sound mortgage credit and a more stable supply of such credit.

48 Stat. 1255.
12 USC 1724.

"(b) Any institution which is a member or which is an insured institution as defined in section 401(a) of the National Housing Act shall maintain the aggregate amount of its assets of the following types at not less than such amount as, in the opinion of the Board, is appropriate: (1) cash, (2) to such extent as the Board may approve

for the purposes of this section, time and savings deposits in Federal Home Loan Banks and commercial banks, and (3) to such extent as the Board may so approve, such obligations, including such special obligations, of the United States, a State, any territory or possession of the United States, or a political subdivision, agency, or instrumentality of any one or more of the foregoing, and bankers' acceptances, as the Board may approve. The requirement prescribed by the Board pursuant to this subsection (hereinafter in this section referred to as the 'liquidity requirement') may not be less than 4 per centum or more than 10 per centum of the obligation of the institution on withdrawable accounts and borrowings payable on demand or with unexpired maturities of one year or less or, in the case of institutions which are insurance companies, such other base or bases as the Board may determine to be comparable.

"(c) The amount of any institution's liquidity requirement, and any deficiency in compliance therewith, shall be calculated as the Board shall prescribe. The Board may prescribe different liquidity requirements, within the limitations specified herein, for different classes of institutions, and for such purposes the Board is authorized to classify institutions according to type, size, location, rate of withdrawals, or, without limitation by or on the foregoing, on such other basis or bases of differentiation as the Board may deem to be reasonably necessary or appropriate for effectuating the purposes of this section.

Amount.

Classification.

"(d) For any deficiency in compliance with the liquidity requirement, the Board may, in its discretion, assess a penalty consisting of the payment by the institution of such sum as may be assessed by the Board but not in excess of a rate equal to the highest rate on advances of one year or less, plus 2 per centum per annum, on the amount of the deficiency for the period with respect to which the deficiency existed. Any penalty assessed under this subsection against a member shall be paid to the Federal Home Loan Bank of which it is a member, and any such penalty assessed against an insured institution which is not a member shall be paid to the Federal Savings and Loan Insurance Corporation. The right to assess or to recover, or to assess and recover, any such penalty is not abated or affected by an institution's ceasing to be a member or ceasing to be insured. The Board may authorize or require that, at any time before collection thereof, and whether before or after the bringing of any action or other legal proceeding, the obtaining of any judgment or other recovery, or the issuance or levy of any execution or other legal process therefor, and with or without consideration, any such penalty or recovery be compromised, remitted, or mitigated in whole or part. The penalties authorized under this subsection are in addition to all remedies and sanctions otherwise available.

Penalty assessment.

"(e) Whenever the Board deems it advisable in order to enable an institution to meet withdrawals or to pay obligations, the Board may, to such extent and subject to such conditions as it may prescribe, permit the institution to reduce its liquidity below the minimum amount. Whenever the Board determines that conditions of national emergency or unusual economic stress exist, the Board may suspend any part or all of the liquidity requirements hereunder for such period as the Board may prescribe. Any such suspension, unless sooner terminated by its terms or by the Board, shall terminate at the expiration of ninety days next after its commencement, but nothing in this sentence prevents the Board from again exercising, before, at, or after any such termination, the authority conferred by this subsection.

Reduction.

Liquidity requirements, suspension in time of national emergency.

"(f) The Board is authorized to issue such rules and regulations, including definitions of terms used in this section, to make such examinations, and to conduct such investigations as it deems necessary or appropriate to effectuate the purposes of this section. The reasonable cost of any such examination or investigation, as determined by the

Rules and regulations; investigations by Board.

80 Stat. 1044.
12 USC 1730.

Board, shall be paid by the institution. In connection with any such examination or investigation the Board has the same functions and authority that the Federal Savings and Loan Insurance Corporation has under subsection (m) of section 407 of the National Housing Act, and for purposes of this subsection the provisions of said subsection (m), including the next to last sentence but not including the last sentence, and the provisions of the first sentence of subsection (n) of that section are applicable in the same manner and to the same extent that they would be applicable if all references therein to the Corporation were also references to the Board and all references therein to that section or any part thereof were also references to this section."

48 Stat. 132;
79 Stat. 507.
12 USC 1464.

SEC. 5. Section 5(c) of the Home Owners' Loan Act of 1933 is amended by inserting immediately before the last paragraph thereof the following new paragraph:

"Any such association may invest in any investment which, at the time of the making of the investment, is an asset eligible for inclusion toward the satisfaction of any liquidity requirement imposed on the association pursuant to section 5A of the Federal Home Loan Bank Act, but only to the extent that the investment is permitted to be so included under regulations issued by the Board pursuant to that section, or is otherwise authorized."

Ante, p. 856.

Additional pre-
miums.
75 Stat. 483.

SEC. 6. (a) Section 404(d) of the National Housing Act (12 U.S.C. 1727(d)) is amended to read as follows:

"(d) (1) Except as otherwise provided in this section, each insured institution shall pay to the Corporation, with respect to any calendar year in which it has a net account increase (as defined in paragraph (2) of this subsection), at such time and in such manner as the Corporation shall by regulations or otherwise prescribe, an additional premium (referred to in this subsection as the 'additional premium') in the nature of a prepayment with respect to future premiums of the institution under subsection (b) of this section. Any additional premium, when paid, shall be credited to the secondary reserve.

"Net account
increase."

"(2) The 'net account increase', if any, for any insured institution with respect to any calendar year is equal to the amount, if any, by which the total of all accounts of its insured members at the end of that year exceeds the largest of the following:

"(A) the total of all accounts of its insured members at the close of the most recent day, if any, after 1965 on which it became an insured institution.

"(B) the total of all accounts of its insured members at the close of the year in which it most recently became an insured institution, or at the close of 1966, whichever is later.

"(C) the largest total of all accounts of its insured members at the close of any year after the most recent year referred to in subparagraph (B).

"(3) The additional premium, if any, for any institution with respect to any calendar year shall be equal to 2 per centum of its net account increase, computed in accordance with paragraph (2) of this subsection, less an amount equal to any requirement, as of the end of that year, for the purchase of Federal Home Loan Bank stock in accordance with section 6(c) of the Federal Home Loan Bank Act and without regard to any net increase during that year in its holdings of such stock, except that the additional premium for any institution for the first calendar year following the calendar year in which it becomes an insured institution shall not be less than 1 per centum of its net account increase for the year in which it becomes an insured institution. The Federal Home Loan Bank Board shall by regulations or otherwise provide for the furnishing to the Corporation of all necessary information with respect to Federal Home Loan Bank stock.

75 Stat. 482.
12 USC 1426.

"(4) The Corporation may provide, by regulation or otherwise, for the adjustment of payments made or to be made under this subsection and subsections (b) and (c) of this section in cases of merger or consolidation, transfer of bulk assets or assumption of liabilities, and similar transactions, as defined by the Corporation for the purposes of this paragraph."

Merger, etc.,
adjustment of pay-
ments.

(b) The amendment made by subsection (a) of this section shall be effective only with respect to additional premiums due with respect to calendar years beginning after 1968.

Effective date.

Approved September 21, 1968.

Public Law 90-506

AN ACT

September 21, 1968
[H. R. 16211]

To provide for the disposition of funds appropriated to pay a judgment in favor of the Creek Nation of Indians in Indian Claims Commission docket numbered 276, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Interior shall prepare a roll of the Creek Indians who meet the following requirements: (1) they were born on or prior to and living on the date of this Act, and (2) their names or the names of lineal ancestors through whom eligibility is claimed appear on either the 1857 or 1859 payment roll prepared pursuant to Article VI of the Treaty of August 7, 1856 (11 Stat. 699), or on the Final Roll of Creeks by Blood closed as of March 4, 1907, pursuant to statute.

Indians, Creek
Nation.
Judgment funds,
disposition.

(b) Applications for enrollment shall be filed with the Area Director, Bureau of Indian Affairs, Muskogee, Oklahoma, in the manner, within the time limit, and on the form prescribed for that purpose. The determination of the Secretary of the eligibility for enrollment of an applicant shall be final.

Eligibility.

SEC. 2. All costs incident to carrying out the provisions of this Act shall be paid by appropriate withdrawals from the judgment funds referred to in this section. After deducting attorney fees and all other costs, the remainder of the funds, including interest, to the credit of the Creek Nation appropriated by the Act of October 27, 1966 (80 Stat. 1057), shall be distributed in equal shares to those persons whose names appear on the roll prepared in accordance with section 1 of this Act. The funds so distributed shall not be subject to Federal or State income taxes.

Equal shares.

Tax exemption.

SEC. 3. The Secretary shall distribute a share payable to a living enrollee directly to such enrollee or in such manner as is deemed by the Secretary to be in the enrollee's best interest and the per capita share of a deceased enrollee shall be paid to his heirs or legatees upon proof of death and inheritance satisfactory to the Secretary, whose findings upon such proof shall be final and conclusive. Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under legal disability shall be paid to the persons whom the Secretary of the Interior determines will best protect their interests.

Heirs of de-
ceased enrollees.

SEC. 4. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act, including an appropriate deadline for filing applications for enrollment.

Filing deadline,
etc.

Approved September 21, 1968.

Public Law 90-507

AN ACT

September 21, 1968
[H. R. 10911]

To provide for preparation of a roll of persons of California Indian descent and the distribution of certain judgment funds.

Indians of California descent.
Judgment funds, distribution.

25 USC 651-657.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Interior shall prepare a roll of persons of Indian blood who apply for inclusion thereon and (i) whose names or the name of a lineal or collateral relative appears on any of the approved rolls heretofore prepared pursuant to the Act of May 18, 1928 (45 Stat. 602) and the amendments thereto or (ii) who can establish, to the satisfaction of the Secretary, lineal or collateral relationship to an Indian who resided in California on June 1, 1852, and (iii) who were born on or before and were living on the effective date of this Act.

(b) The roll so prepared shall indicate, as nearly as possible, the group or groups of Indians of California with which the ancestors of each enrollee were affiliated on June 1, 1852. If the affiliation of an enrollee's ancestors on that date is unknown, it shall be presumed to be the same as that of the ancestors' relatives whose affiliation is known unless there is sound reason to believe otherwise. Applicants whose ancestry is derived partly from one of the groups named in section 2(b) of this Act and partly from another group of Indians in California shall elect the affiliation to be shown for them on the roll.

(c) Application for enrollment shall be filed with the Area Director of the Bureau of Indian Affairs, Sacramento, California, on forms prescribed for that purpose.

Equal shares.

SEC. 2. (a) The Secretary shall distribute to each person whose name appears on the roll prepared pursuant to the first section of this Act, except those whose ancestry is derived from one or more of the groups named in subsection (b) of this section, an equal share of the moneys which were appropriated by the Act of October 7, 1964 (78 Stat. 1033), in satisfaction of the judgment of the Indian Claims Commission in consolidated dockets numbered 31, 37, 80, 80-D, and 347, plus the interest earned thereon, minus attorneys fees, litigation expenses (including the reimbursement of funds expended under authority of the Acts of July 1, 1946 (60 Stat. 348), August 4, 1955 (69 Stat. 460), and July 14, 1960 (74 Stat. 512)), a proper share of the costs of roll preparation, and such amounts as may be required to effect the distribution.

Exempted groups.

(b) Persons whose ancestry is derived solely from one or more of the following groups and persons of mixed ancestry who elected to share, other than as heirs or legatees of enrollees, in any award granted to any of the following groups shall not share in the funds distributed pursuant to subsection (a) of this section: Northern Paiute, Southern Paiute, Mohave, Quechan (Yuma), Chemehuevi, Shoshone, Washoe, Klamath, Modoc, and Yahooskin Band of Snakes.

Equal shares.

SEC. 3. The Secretary shall distribute to each person whose name appears on the roll prepared pursuant to section 1 of this Act regardless of group affiliation an equal share of the undistributed balance of the moneys appropriated in satisfaction of the judgment of the Court of Claims in the case of The Indians of California against United States (102 Court of Claims 837; 59 Stat. 94), plus the interest earned thereon, including the reimbursed moneys and unexpended balances of the funds established by the Acts of July 1, 1946 (60 Stat. 348), August 4, 1955 (69 Stat. 460), and July 14, 1960 (74 Stat. 512), minus a proper share of the costs of roll preparation and such amounts as may be necessary to effect the distribution.

SEC. 4. Each share distributable to an enrollee under sections 2 and 3 of this Act shall be paid directly to the enrollee or, if he is deceased at the time of distribution, to his heirs or legatees unless the distributee is under twenty-one years of age or is otherwise under legal disability, in which case such disposition shall be made of the share as the Secretary determines will adequately protect the best interests of the distributee. Funds distributed under the provisions of this Act shall not be subject to Federal or State income taxes.

Equal shares.
Heirs of deceased enrollees.

Tax exemption.

SEC. 5. The Secretary is authorized to prescribe rules and regulations to carry out the provisions of this Act, which rules and regulations shall include an appropriate deadline for the filing of applications for enrollment under the first section of this Act. The determinations of the Secretary regarding eligibility for enrollment, the affiliation of an applicant's ancestors, and the shares of the cost of roll preparation to be charged to each of the two funds referred to in sections 2 and 3 of this Act shall be final. Not more than \$325,000 in all shall be available under this Act for the costs of roll preparation and of the distribution of shares.

Filing deadline,
etc.

Eligibility.

Approved September 21, 1968.

Public Law 90-508

AN ACT

September 21, 1968
[H. R. 16402]

To provide for the disposition of funds appropriated to pay a judgment in favor of the Delaware Nation of Indians in Indian Claims Commission docket numbered 337, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall prepare a roll of all persons who meet the following requirements for eligibility: (a) They were born on or prior to and living on the date of this Act; (b) their name or the name of a lineal ancestor appears on the Delaware Indian per capita payroll approved by the Secretary on April 20, 1906, or (c) their name or the name of a lineal ancestor is on or is eligible to be on the constructed base census roll as of 1940 of the Absentee Delaware Tribe of Western Oklahoma, approved by the Secretary of the Interior, or (d) they are lineal descendants of Delaware Indians who were members of the Delaware Nation of Indians as constituted at the time of the Treaty of October 3, 1818 (7 Stat. 188), and their name or the name of a lineal ancestor appears on any available census roll or any other records acceptable to the Secretary. No person shall be eligible to be enrolled under this section who is not a citizen of the United States. Applications for enrollment must be filed with the Area Director of the Bureau of Indian Affairs, Muskogee, Oklahoma, or the Area Director of the Bureau of Indian Affairs, Anadarko, Oklahoma, on forms prescribed for that purpose. All applications filed shall be reviewed and a judgment of the eligibility of each applicant will be made and recommendation given in writing to the respective area directors by a committee composed of representatives of the two Oklahoma Delaware groups prior to submission of names to the Secretary of the Interior for acceptance on the distribution roll. The determination of the Secretary regarding the utilization of available rolls or records and the eligibility for enrollment of an applicant shall be final.

Indians, Delaware Nation.
Judgment funds, disposition.

Eligibility.

SEC. 2. There shall be withdrawn from the funds on deposit in the Treasury of the United States to the credit of the Delaware Nation that were appropriated by the Act of October 7, 1964 (78 Stat. 1033), and

the interest accrued thereon, using the interest fund first, \$7,000, which shall be divided equally between the Cherokee Delawares and the Delaware Tribe of Indians of Western Oklahoma, and shall be available for claims expenses incurred by the duly authorized personnel of the two tribal groups, as set forth in their joint resolution numbered 4-68 adopted on September 9, 1967.

Equal shares.

SEC. 3. After the deduction of attorney fees and expenses, litigation expenses, all costs incident to the provisions of this Act, and to making the payments authorized by this Act, including the cost of roll preparation, which shall be paid by appropriate withdrawals from the judgment fund, the unexpended balance of the funds on deposit in the Treasury shall be distributed in equal shares to those persons whose names appear on the roll prepared in accordance with section 1 of this Act. No person shall be entitled to more than one per capita share of the funds.

Limitation.

Heirs of deceased enrollees.

SEC. 4. The Secretary shall distribute a share payable to a living enrollee directly to such enrollee. The Secretary shall distribute the per capita share of a deceased enrollee to his heirs or legatees upon proof of death and inheritance satisfactory to the Secretary whose findings upon such proof shall be final and conclusive. Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedures as the Secretary determines will best protect their interests.

Tax exemption.

SEC. 5. The funds distributed under the provisions of this Act shall not be subject to Federal or State income tax.

Filing deadline, etc.

SEC. 6. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act, including a deadline for filing enrollment applications.

Approved September 21, 1968.

Public Law 90-509

AN ACT

September 21, 1968
[H. R. 14005]

To authorize the disposition by the city of Hot Springs, Arkansas, of certain property heretofore conveyed to the city by the United States, and for other purposes.

Hot Springs, Ark.
Property disposal, authorization.

Condition.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 2 of the Act of May 29, 1928 (45 Stat. 959), providing for a reversion to the United States under specified circumstances of the title to part of lot numbered 3 in block numbered 115 in the city of Hot Springs, Arkansas, the city of Hot Springs is hereby authorized to sell or otherwise dispose of said lot upon the condition that the proceeds received from such sale or other disposition shall be used to construct a fire station within the city limits.

SEC. 2. The conditions in the patent issued by the United States on September 7, 1928, to the city of Hot Springs, Arkansas, pursuant to the Act of May 29, 1928 (45 Stat. 959), which provided for a reversion of title to the United States, are hereby released to the extent they are inconsistent with this Act.

Approved September 21, 1968.

Public Law 90-510

AN ACT

September 21, 1968
[H. R. 17780]

To direct the Secretary of Defense to pay the special pay authorized under section 310 of title 37, United States Code, to certain members of the uniformed services held captive in North Korea.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of section 310 (relating to special pay for duty subject to hostile fire) of title 37, United States Code, the Secretary of Defense shall pay the special pay authorized by such section to each member of a uniformed service who was aboard the United States Ship Pueblo at the time of her capture by military forces of North Korea. Such pay shall be paid for the period beginning January 1, 1968, and ending with the month after the month in which such member is repatriated.

USS Pueblo
crew.
Hostile fire pay.
77 Stat. 216;
79 Stat. 547.

Approved September 21, 1968.

Public Law 90-511

AN ACT

September 24, 1968
[S. 3072]

To amend the Act entitled "An Act to provide for the rehabilitation of Guam, and for other purposes", approved November 4, 1963.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of November 4, 1963 (77 Stat. 302), is amended by deleting "\$45,000,000" and inserting in lieu thereof "\$75,000,000", and by deleting the date "1973" and inserting in lieu thereof the date "1978".

Guam.
Rehabilitation
appropriation, in-
crease.

SEC. 2. Said Act is further amended by inserting in the first paragraph of section 3, immediately after the date "June 30, 1968," the following language: "with respect to sums transferred on or prior to that date, and over a period of thirty years from the date of each such transfer with respect to sums transferred after that date".

Approved September 24, 1968.

Public Law 90-512

AN ACT

September 25, 1968
[H. R. 10573]

To provide authority to increase the effectiveness of the "Truth in Negotiations Act."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 10 of the United States Code is hereby amended as follows:

Subsection 2306(f) is amended by adding the following paragraph: "For the purpose of evaluating the accuracy, completeness, and currency of cost or pricing data required to be submitted by this subsection, any authorized representative of the head of the agency who is an employee of the United States Government shall have the right, until the expiration of three years after final payment under the contract or subcontract, to examine all books, records, documents, and other data of the contractor or subcontractor related to the negotiation, pricing, or performance of the contract or subcontract."

"Truth in Nego-
tiations Act," in-
creased effective-
ness.
76 Stat. 528.

Approved September 25, 1968.

Public Law 90-513

September 26, 1968

[H. R. 18785]

AN ACT

Making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes.

Military Construction Appropriation Act.
1969.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1969, for military construction functions administered by the Department of Defense, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

72 Stat. 1459,
1460.

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, and facilities for the Army as currently authorized in military public works or military construction Acts, and in sections 2673 and 2675 of title 10, United States Code, \$548,126,000, to remain available until expended.

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, and facilities for the Navy as currently authorized in military public works or military construction Acts, and in sections 2673 and 2675 of title 10, United States Code, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, \$291,513,000, to remain available until expended.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, and facilities for the Air Force as currently authorized in military public works or military construction Acts, in sections 2673 and 2675 of title 10, United States Code, \$222,141,000, to remain available until expended.

MILITARY CONSTRUCTION, DEFENSE AGENCIES

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, and facilities for activities and agencies of the Department of Defense (other than the military departments and the Office of Civil Defense), as currently authorized in military public works or military construction Acts, and in sections 2673 and 2675 of title 10, United States Code, \$83,396,000, to remain available until expended; and, in addition, not to exceed \$20,000,000 to be derived by transfer from the appropriation "Research, development, test, and evaluation, Defense Agencies" as determined by the Secretary of Defense: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction as he may designate.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard as authorized by chapter 133 of title 10, United States

Code, as amended, and the Reserve Forces Facilities Acts, \$2,700,000, to remain available until expended.

70A Stat. 120.
10 USC 2231.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, as amended, and the Reserve Forces Facilities Acts, \$8,300,000, to remain available until expended.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 133 of title 10, United States Code, as amended, and the Reserve Forces Facilities Acts, \$3,000,000, to remain available until expended.

MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 133 of title 10, United States Code, as amended, and the Reserve Forces Facilities Acts, \$5,000,000, to remain available until expended.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 133 of title 10, United States Code, as amended, and the Reserve Forces Facilities Acts, \$4,300,000, to remain available until expended.

FAMILY HOUSING, DEFENSE

For expenses of family housing for the Army, Navy, Marine Corps, Air Force, and Defense agencies, for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation, maintenance, and debt payment, including leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$583,700,000, to be obligated and expended in the Family Housing Management Account established pursuant to section 501(a) of Public Law 87-554, in not to exceed the following amounts:

76 Stat. 236.
42 USC 1594a-1.

For the Army:

Construction, \$10,950,000;
Operation, maintenance, \$135,383,000;
Debt payment, \$47,204,000.

For the Navy and Marine Corps:

Construction, \$18,175,000;
Operation, maintenance, \$84,249,000;
Debt payments, \$31,972,000.

For the Air Force:

Construction, \$19,575,000;
Operation, maintenance, \$142,443,000;
Debt payment, \$88,246,000.

For Defense agencies:

Construction, \$40,000;

Operation, maintenance, \$5,463,000.

Provided, That the amounts provided under this head for construction and for debt payment shall remain available until expended.

HOMEOWNERS ASSISTANCE FUND, DEFENSE

For use in the Homeowners Assistance Fund established pursuant to section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (Public Law 89-754, approved November 3, 1966), \$6,200,000.

80 Stat. 1291.
42 USC 3374.

GENERAL PROVISIONS

Prior appro-
priations.

SEC. 101. Funds appropriated to the Department of Defense for construction in prior years are hereby made available for construction authorized for each such department by the authorizations enacted into law during the second session of the Ninetieth Congress.

Contracts.

SEC. 102. None of the funds appropriated in this Act shall be expended for payments under a cost-plus-a-fixed-fee contract for work, where cost estimates exceed \$25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

Expediting
costs.

SEC. 103. None of the funds appropriated in this Act shall be expended for additional costs involved in expediting construction unless the Secretary of Defense certifies such costs to be necessary to protect the national interest and establishes a reasonable completion date for each project, taking into consideration the urgency of the requirement, the type and location of the project, the climatic and seasonal conditions affecting the construction, and the application of economical construction practices.

Bakery facili-
ties, etc.

SEC. 104. None of the funds appropriated in this Act shall be used for the construction, replacement, or reactivation of any bakery, laundry, or drycleaning facility in the United States, its territories, or possessions, as to which the Secretary of Defense does not certify, in writing, giving his reasons therefor, that the services to be furnished by such facilities are not obtainable from commercial sources at reasonable rates.

Motor vehicle
hire.

SEC. 105. Funds appropriated to the Department of Defense for construction are hereby made available for hire of passenger motor vehicles.

Access roads.

SEC. 106. Funds appropriated to the Department of Defense for construction may be used for advances to the Bureau of Public Roads, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

72 Stat. 908.

New bases.

SEC. 107. None of the funds appropriated in this Act may be used to begin construction of new bases inside the Continental United States for which specific appropriations have not been made.

Land ease-
ments.

SEC. 108. No part of the funds provided in this Act shall be used for purchase of land or land easements in excess of 100 per centum of the value as determined by the Corps of Engineers or the Naval Facilities Engineering Command, except: (a) where there is a determination of value by a Federal court, (b) purchases negotiated by the Attorney General or his designee, and (c) where the estimated value is less than \$25,000.

SEC. 109. None of the funds appropriated in this Act may be used to make payments under contracts for any project in a foreign country unless the Secretary of Defense or his designee, after consultation with the Secretary of the Treasury or his designee, certifies to the Congress that the use, by purchase from the Treasury, of currencies of such country acquired pursuant to law is not feasible for the purpose, stating the reason therefor.

Foreign projects.

SEC. 110. None of the funds appropriated in this Act shall be used to (1) acquire land, (2) provide for site preparation, or (3) install utilities for any family housing, except housing for which funds have been made available in annual military construction appropriation Acts.

Family housing, limitation.

SEC. 111. Funds received from the proceeds of handling excess family housing remaining under the jurisdiction of the Department of Defense shall be deposited to the credit of "Family Housing, Defense" to be used for the purpose of reducing debt payments of the military departments.

Excess family housing proceeds, disposition.

SEC. 112. This Act may be cited as the "Military Construction Appropriation Act, 1969".

Short title.

Approved September 26, 1968.

Public Law 90-514

AN ACT

To amend the Federal Aviation Act of 1958 with respect to the definition of "supplemental air transportation", and for other purposes.

September 26, 1968
[S. 3566]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (33) of section 101 of the Federal Aviation Act of 1958 is amended to read as follows:

Federal Aviation Act of 1958, amendment.

76 Stat. 143.

49 USC 1301.

"Supplemental air transportation."

"(33) 'Supplemental air transportation' means charter trips, including inclusive tour charter trips, in air transportation, other than the transportation of mail by aircraft, rendered pursuant to a certificate of public convenience and necessity issued pursuant to section 401(d) (3) of this Act to supplement the scheduled service authorized by certificates of public convenience and necessity issued pursuant to sections 401(d) (1) and (2) of this Act. Nothing in this paragraph shall permit a supplemental air carrier to sell or offer for sale an inclusive tour in air transportation by selling or offering for sale individual tickets directly to members of the general public, or to do so indirectly by controlling, being controlled by, or under common control with, a person authorized by the Board to make such sales."

49 USC 1371.

SEC. 2. Certificates of public convenience and necessity for supplemental air transportation and statements of authorizations, issued by the Civil Aeronautics Board, are hereby validated, ratified, and continued in effect according to their terms, notwithstanding any contrary determinations by any court that the Board lacked power to authorize the performance of inclusive tour charter trips in air transportation.

SEC. 3. Section 401(e) (6) of the Federal Aviation Act of 1958 is amended to read as follows:

76 Stat. 144.

"(6) Any air carrier, other than a supplemental air carrier, may perform charter trips (including inclusive tour charter trips) or any other special service, without regard to the points named in its certificate, or the type of service provided therein, under regulations prescribed by the Board."

Approved September 26, 1968.

Public Law 90-515

September 26, 1968
[S. 20]

AN ACT

To provide for a comprehensive review of national water resource problems and programs, and for other purposes.

National Water
Commission Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Water Commission Act".

THE NATIONAL WATER COMMISSION

SEC. 2. (a) There is established the National Water Commission (hereinafter referred to as the "Commission").

Membership.

(b) The Commission shall be composed of seven members who shall be appointed by the President and serve at his pleasure. No member of the Commission shall, during his period of service on the Commission, hold any other position as an officer or employee of the United States, except as a retired officer or retired civilian employee of the United States.

(c) The President shall designate a Chairman of the Commission (hereinafter referred to as the "Chairman") from among its members.

Compensation.

(d) Members of the Commission may each be compensated at the rate of \$100 for each day such member is engaged in the actual performance of duties vested in the Commission. Each member shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by 5 U.S.C., sec. 5703, for persons in the Government service employed intermittently.

Travel pay.

80 Stat. 499.

Executive
Director.

(e) The Commission shall have an Executive Director, who shall be appointed by the Chairman with the approval of the Commission and shall be compensated at the rate determined by the U.S. Civil Service Commissioners. The Executive Director shall have such duties and responsibilities as the Chairman may assign.

DUTIES OF THE COMMISSION

SEC. 3. (a) The Commission shall (1) review present and anticipated national water resource problems, making such projections of water requirements as may be necessary and identifying alternative ways of meeting these requirements—giving consideration, among other things, to conservation and more efficient use of existing supplies, increased usability by reduction of pollution, innovations to encourage the highest economic use of water, interbasin transfers, and technological advances including, but not limited to, desalting, weather modification, and waste water purification and reuse; (2) consider economic and social consequences of water resource development, including, for example, the impact of water resource development on regional economic growth, on institutional arrangements, and on esthetic values affecting the quality of life of the American people; and (3) advise on such specific water resource matters as may be referred to it by the President and the Water Resources Council.

(b) The Commission shall consult with the Water Resources Council regarding its studies and shall furnish its proposed reports and recommendations to the Council for review and comment. The Commission shall submit simultaneously to the President and to the United States Congress such interim and final reports as it deems appropriate, and the Council shall submit simultaneously to the President and to the United States Congress its views on the Commission's reports. The President shall transmit the Commission's final report to the Congress

Reports to
President and
Congress.

together with such comments and recommendations for legislation as he deems appropriate.

(c) The Commission shall terminate not later than five years from the effective date of this Act. Termination
date.

POWERS OF THE COMMISSION

SEC. 4. (a) The Commission may (1) hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as it may deem advisable; (2) acquire, furnish, and equip such office space as is necessary; (3) use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States; (4) without regard to the civil service laws and regulations and without regard to 5 U.S.C., ch. 51, employ and fix the compensation of such personnel as may be necessary to carry out the functions of the Commission; (5) procure services as authorized by 5 U.S.C., sec. 3109, at rates not to exceed \$100 per diem for individuals; (6) purchase, hire, operate, and maintain passenger motor vehicles; (7) enter into contracts or agreements for studies and surveys with public and private organizations and transfer funds to Federal agencies and river basin commissions created pursuant to title II of the Water Resources Planning Act to carry out such aspects of the Commission's functions as the Commission determines can best be carried out in that manner; and (8) incur such necessary expenses and exercise such other powers as are consistent with and reasonably required to perform its functions under this title.

80 Stat. 443.
5 USC 5101-
5115.

80 Stat. 416.

79 Stat. 246.
42 USC 1962b-
1962b-6.

(b) Any member of the Commission is authorized to administer oaths when it is determined by a majority of the Commission that testimony shall be taken or evidence received under oath.

POWERS AND DUTIES OF THE CHAIRMAN

SEC. 5. (a) Subject to general policies adopted by the Commission, the Chairman shall be the chief executive of the Commission and shall exercise its executive and administrative powers as set forth in section 4(a)(2) through section 4(a)(8).

(b) The Chairman may make such provision as he shall deem appropriate authorizing the performance of any of his executive and administrative functions by the Executive Director or other personnel of the Commission.

OTHER FEDERAL AGENCIES

SEC. 6. (a) The Commission may, to the extent practicable, utilize the services of the Federal water resource agencies.

(b) Upon request of the Commission, the head of any Federal department or agency or river basin commission created pursuant to title II of the Water Resources Planning Act is authorized (1) to furnish to the Commission, to the extent permitted by law and within the limits of available funds, including funds transferred for that purpose pursuant to section 4(a)(7) of this Act, such information as may be necessary for carrying out its functions and as may be available to or procurable by such department or agency, and (2) to detail to temporary duty with this Commission on a reimbursable basis such personnel within his administrative jurisdiction as it may need or believe to be useful for carrying out its functions, each such detail to be without loss of seniority, pay, or other employee status.

(c) Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the General Services Administration, for which payment shall be made in advance, or by Financial and
administrative
services by
GSA.

80 Stat. 477.

reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator of General Services: *Provided*, That the regulations of the General Services Administration for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C., sec. 5514) shall apply to the collection of erroneous payments made to or on behalf of a Commission employee, and regulations of said Administrator for the administrative control of funds (31 U.S.C. 665(g)) shall apply to appropriations of the Commission: *And provided further*, That the Commission shall not be required to prescribe such regulations.

APPROPRIATIONS

SEC. 7. There are hereby authorized to be appropriated not to exceed \$5,000,000 to carry out the purposes of this Act.

Approved September 26, 1968.

Public Law 90-516

September 26, 1968
[S. 220]

AN ACT

To authorize the sale of certain public lands.

Public lands.
Sale.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized, on his own motion or on application of an owner of contiguous lands, and upon a finding that it is not needed for public purposes, to sell at public auction any tract of public domain not exceeding one hundred and twenty acres that has been or is now subject to unintentional trespass, as determined by the Secretary, and that contains some land which has been or can be put to cultivation but which is insufficient because of climatic, topographic, ecologic, soil, or other factors to justify a classification as proper for disposal under the homestead or desert land laws. Except as provided in section 2 hereof, the tract shall be sold to the highest bidder. Except as provided in section 3 hereof, no tract shall be sold for less than its appraised fair market value.

Contiguous
landowners,
preference right.

SEC. 2. For a period of thirty days from the day the high bid is received, any owner of contiguous lands shall have a preference right to buy the tract at such highest bid price. If two or more contiguous owners assert the preference right, the Secretary is authorized to make such division of the land among the applicants as he deems equitable.

SEC. 3. If a person who has a preference right under section 2 of this Act is the purchaser of land sold pursuant to this Act, he shall not be required to pay for any values he or his predecessors in interest have added to the land. However, nothing in this Act shall relieve any person from liability to the United States for unauthorized use of the land prior to conveyance of title by the United States.

Acreage limi-
tation.

SEC. 4. No person may acquire from the Secretary more than one hundred and twenty acres of land under the provisions of this Act.

Expiration
date.

SEC. 5. The authority granted by this Act shall expire three years from the date of the passage of the Act, but sales for which application has been made in accordance with this Act prior to the expiration of the three years may be consummated and patents may be issued in connection therewith after the three-year period.

Approved September 26, 1968.

Public Law 90-517

AN ACT

September 26, 1968
[S. 3578]

To direct the Secretary of Agriculture to release, on behalf of the United States, a condition in a deed conveying certain lands to the South Carolina State Commission of Forestry so as to permit such Commission, subject to a certain condition, to exchange such lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of subsection (c) of section 32 of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1011(c)), the Secretary of Agriculture is authorized and directed to release, on behalf of the United States, with respect to the following-described lands, the condition contained in the deed dated June 28, 1955, between the United States of America and the South Carolina State Commission of Forestry, conveying, pursuant to such subsection, certain lands, of which such described lands are a part, to such Commission, which requires that the lands conveyed be used for public purposes:

South Carolina.
Land use con-
dition, release.
50 Stat. 525;
56 Stat. 725.

A tract consisting of approximately seventy-two acres, being a portion of the five-hundred-and-ten-acre tract conveyed by such deed dated June 28, 1955, which is bounded on the south by the State Forestry Commission, on the east by McCray's Mill Club and E. T. Gulledege, on the north by the State Highway Numbered 763, and on the west by an unpaved county public road known as the Brunt Gin Road.

SEC. 2. The Secretary shall release the condition referred to in the first section of this Act only with respect to lands covered by and described in an agreement or agreements entered into between the Secretary and the South Carolina Commission of Forestry in which such State agency, in consideration of the release of such conditions as to such lands, agrees that the lands with respect to which condition is released shall be exchanged for lands of approximately comparable value and that the lands so acquired by exchange shall be used for public purposes.

SEC. 3. Upon application all the undivided mineral interests of the United States in any parcel or tract of land released pursuant to this Act from the condition as to such lands shall be conveyed to the South Carolina Commission of Forestry for the use and benefit of the Commission by the Secretary of the Interior. In areas where the Secretary of the Interior determines that there is no active mineral development or leasing, and that the lands have no mineral value, the mineral interests covered by a single application shall be sold for a consideration of \$1. In other areas, the mineral interests shall be sold at the fair market value thereof as determined by the Secretary of the Interior after taking into consideration such appraisals as he deems necessary or appropriate.

SEC. 4. Each application made under the provisions of section 3 of this Act shall be accompanied by a nonrefundable deposit to be applied to the administrative costs as fixed by the Secretary of the Interior. If the conveyance is made, the applicant shall pay to the Secretary of the Interior the full administrative costs, less the deposit. If a conveyance is not made pursuant to an application filed under this Act, the deposit shall constitute full satisfaction of such administrative costs notwithstanding that the administrative costs exceed the deposit.

"Administrative costs."

SEC. 5. The term "administrative costs" as used in this Act includes, in addition to other items, all costs which the Secretary of the Interior determines are included in a determination of (1) the mineral character of the land in question, and (2) the fair market value of the mineral interest.

Approved September 26, 1968.

Public Law 90-518

September 26, 1968

AN ACT

[H. R. 5754]

To amend section 1263 of title 18 of the United States Code to require that interstate shipments of intoxicating liquors be accompanied by bill of lading, or other document, showing certain information in lieu of requiring such to be marked on the package.

Intoxicating
liquors.
Interstate
shipments, bill
of lading re-
quirement.
62 Stat. 761.

Penalty.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1263 of title 18 of the United States Code is amended to read as follows: "Whoever knowingly ships into any place within the United States any package containing any spirituous, vinous, malted, or other fermented liquor, or any compound containing any spirituous, vinous, malted, or other fermented liquor fit for use for beverage purposes, unless such shipment is accompanied by copy of a bill of lading, or other document showing the name of the consignee, the nature of its contents, and the quantity contained therein, shall be fined not more than \$1,000 or imprisoned not more than one year, or both."

SEC. 2. Nothing contained in this Act shall be construed as indicating an intent on the part of Congress to deprive any State of the power to enact additional prohibitions with respect to the shipment of intoxicating liquors.

Effective
date.

SEC. 3. This Act shall become effective ninety days after the date of its enactment.

Approved September 26, 1968.

Public Law 90-519

September 26, 1968

AN ACT

[H. R. 17609]

To authorize the Secretary of the Interior to convey to the city of Kenai, Alaska, interests of the United States in certain land.

Kenai, Alaska.
Land con-
veyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to convey to the city of Kenai, Alaska, a municipal corporation organized under the laws of the State of Alaska, all right, title, and interests which the United States has, excepting, however, all oil and gas deposits, together with the right to prospect for, mine, and remove the same, in lot 18, section 5, township 5 north, range 11 west, Seward meridian (tract C, Etolin subdivision), containing 1.88 acres, more or less, upon the condition that if said tract is sold by the city of Kenai, proceeds received from such sale shall be used for the construction and maintenance of a public health facility within the city limits.

Approved September 26, 1968.

Public Law 90-520

AN ACT

To direct the Secretary of Agriculture to release on behalf of the United States a condition in a deed conveying certain lands to the State of Ohio, and for other purposes.

September 26, 1968
[S. 3687]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of subsection (c) of section 32 of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1011(c)), the Secretary of Agriculture is authorized and directed to release on behalf of the United States with respect to lands designated pursuant to section 2 hereof, the condition in a deed dated January 30, 1957, conveying lands in the State of Ohio to the State of Ohio, which requires that the lands so conveyed be used for public purposes and provides for a reversion of such lands to the United States if at any time they cease to be so used.

Ohio.
Land use condition, release.
50 Stat. 525;
56 Stat. 725.

SEC. 2. The Secretary shall release the condition referred to in the first section of this Act only with respect to lands covered by and described in an agreement or agreements entered into between the Secretary and the State of Ohio or an authorized agency of the State in which such State or agency, in consideration of the release of such condition as to such lands, agrees that the lands with respect to which such condition is released shall be exchanged for lands of approximately comparable value and that the lands so acquired by exchange shall be used for public purposes.

Land exchange requirement.

SEC. 3. Upon application all the undivided mineral interests of the United States in any parcel or tract of land released pursuant to this Act from the condition as to such lands shall be conveyed to the State of Ohio for the use and benefit of the State by the Secretary of the Interior. In areas where the Secretary of the Interior determines that there is no active mineral development or leasing, and that the lands have no mineral value, the mineral interests covered by a single application shall be sold for a consideration of \$1. In other areas the mineral interests shall be sold at the fair market value thereof as determined by the Secretary of the Interior after taking into consideration such appraisals as he deems necessary or appropriate.

Mineral interests.

SEC. 4. Each application made under the provisions of section 3 of this Act shall be accompanied by a nonrefundable deposit to be applied to the administrative costs as fixed by the Secretary of the Interior. If the conveyance is made, the applicant shall pay to the Secretary of the Interior the full administrative costs, less the deposit. If a conveyance is not made pursuant to an application filed under this Act, the deposit shall constitute full satisfaction of such administrative costs notwithstanding that the administrative costs exceed the deposit.

SEC. 5. The term "administrative costs" as used in this Act includes, in addition to other items, all costs which the Secretary of the Interior determines are included in a determination of (1) the mineral character of the land in question, and (2) the fair market value of the mineral interest.

"Administrative costs."

SEC. 6. Amounts paid to the Secretary of the Interior under the provisions of this Act shall be paid into the Treasury of the United States as miscellaneous receipts.

Approved September 26, 1968.

Public Law 90-521

AN ACT

September 26, 1968
[H. R. 13669]

To amend section 2734 of title 10 of the United States Code to permit the use of officers of any of the services on claims commissions, and for other purposes; to amend section 2734a of title 10 to authorize the use of Coast Guard appropriations for certain claims settlements arising out of Coast Guard activities; and to amend section 2736 of title 10 to authorize advance payments in cases covered by sections 2733 and 2734 of title 10 and section 715 of title 32 involving military claims.

Military claims.
Administration
and settlement.
70A Stat. 154.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of section 2734 of title 10, United States Code, is amended by striking the words "appoint one or more claims commissions, each composed of one or more commissioned officers of the armed forces under his jurisdiction," and by inserting in lieu thereof the words "appoint one or more claims commissions, each composed of one or more commissioned officers of the armed forces,".

(b) Subsection (a) of section 2734 of title 10, United States Code, is amended by adding at the end thereof the following sentence: "An officer may serve on a claims commission under the jurisdiction of another armed force only with the consent of the Secretary of his department, or his designee, but shall perform his duties under regulations of the department appointing the commission."

76 Stat. 767.

SEC. 2. Subsection (a) of section 2736 of title 10, is amended by striking the words "as the result of an accident involving an aircraft or missile under the control of that department" and inserting in lieu thereof "under circumstances"; and the caption of section 2736 is amended to read as follows:

"§ 2736. Property loss; personal injury or death: advance payment."

and the chapter analysis of chapter 163 of title 10 of the United States Code is amended by striking

"2736. Property loss; personal injury or death: incident to aircraft or missile operation."

and inserting

"2736. Property loss; personal injury or death: advance payment."

SEC. 3. Section 2734(b)(3) of title 10, United States Code, is amended to read as follows:

"(3) it did not arise from action by an enemy or result directly or indirectly from an act of the armed forces of the United States in combat, except that a claim may be allowed if it arises from an accident or malfunction incident to the operation of an aircraft of the armed forces of the United States, including its airborne ordnance, indirectly related to combat, and occurring while preparing for, going to, or returning from a combat mission."

76 Stat. 512.

SEC. 4. (a) Subsection (c) of section 2734a of title 10, United States Code, is amended to read as follows:

"(c) A reimbursement or payment under this section shall be made by the Secretary of Defense out of appropriations for that purpose except that payment of claims against the Coast Guard arising while it is operating as a service of the Department of Transportation shall be made out of the appropriations for the operating expenses of the Coast Guard. The appropriations referred to in this subsection may be used to buy foreign currencies required for the reimbursement or payment."

(b) Section 2734a of title 10, United States Code, is amended by the addition of the following subsection:

“(d) Upon the request of the Secretary of Transportation or his designee, any payments made relating to claims arising from the activities of the Coast Guard and covered by subsection (a) may be reimbursed or paid to the foreign country concerned by the authorized representative of the Department of Defense out of the appropriation for claims of the Department of Defense, subject to reimbursement from the Department of Transportation.”

Approved September 26, 1968.

Public Law 90-522

AN ACT

September 26, 1968

To amend section 2733 of title 10, United States Code, to authorize the application of local law in determining the effect of claimant's contributory negligence, and to clarify the procedure for appeal from certain claims determinations.

[H. R. 10482]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2733 of title 10, United States Code, is amended by—

Military claims.
Application of
local law.
70A Stat. 153;
72 Stat. 1461.

(1) striking out the word “and” at the end of clause (4) of subsection (b) and inserting in place thereof “or, if so caused, allowed only to the extent that the law of the place where the act or omission complained of occurred would permit recovery from a private individual under like circumstances; and”;

(2) striking out the period at the end of subsection (g) and inserting in place thereof the following: “, subject to appeal to the Secretary concerned, or his designee for that purpose.”.

72 Stat. 813;
Post, p. 877.

Approved September 26, 1968.

Public Law 90-523

AN ACT

September 26, 1968

To provide for the rehabilitation of the Eklutna project, Alaska, and for other purposes.

[S. 224]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the total sums expended by the Secretary of the Interior in rehabilitation of the Eklutna project, Alaska, from damage caused by the earthquake of March 27, 1964, less the difference between the actual cost of the new dam and the estimated cost of rehabilitating the old dam, shall be nonreimbursable and nonreturnable, and not subject to the provisions of the second sentence of section 1 of the Act of July 31, 1950, as amended: *Provided, however,* That the nonreimbursable and nonreturnable expenditures shall not exceed \$2,805,437.

Eklutna proj-
ect, Alaska.
Rehabilitation.

64 Stat. 382.
48 USC 312.

Approved September 26, 1968.

Public Law 90-524

September 26, 1968
[H. R. 8953]

AN ACT

To amend the Act of November 21, 1941 (55 Stat. 773), providing for the alteration, reconstruction, or relocation of certain highway and railroad bridges by the Tennessee Valley Authority.

Tennessee
Valley Authority.
Certain bridges,
reconstruction,
etc.

16 USC 831c-1.

48 Stat. 58.
16 USC 831.

Bridge
owners, com-
pensation.

Contracting
authority.

Right to
bring suit.

TVA share of
cost.
Funds
authorization.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of November 21, 1941 (55 Stat. 773), be and is hereby amended to read as follows:

“That (a) whenever, as the result of the construction of any dam, reservoir, or other improvement under the provisions of the Tennessee Valley Authority Act, or amendments thereto, including any improvement of the navigable channel to accommodate the growth of navigation or changes in navigation requirements within the reservoir created by any dam in the custody of the Tennessee Valley Authority, any bridge, trestle, or other highway or railroad structure located over, upon, or across the Tennessee River or any of its navigable tributaries, including approaches, fenders, and appurtenances thereto, is endangered or otherwise adversely affected and damaged, including any interference with or impairment of its use, or, in the judgment of the Board of Directors of the Tennessee Valley Authority, needs to be raised, widened, or otherwise altered to provide the navigation clearances required for completion of the navigable channel to be provided by such improvement, to the extent that protection, alteration, reconstruction, relocation, or replacement is necessary or proper to preserve its safety or utility or to meet the requirements of navigation or flood control, or both, the owner or owners of such bridge, trestle, or structure shall be compensated by the Tennessee Valley Authority in the sum of the reasonable actual cost of such protection, alteration, reconstruction, relocation, or replacement: *Provided*, That in arriving at the amount of such compensation the bridge owner shall be charged with a sum which shall equal the net value to the owner of any direct and special benefits accruing to the owner from any improvement or addition or betterment of the altered, reconstructed, relocated, or replaced bridge, trestle, or structure. The Tennessee Valley Authority is empowered to contract with such owner with respect to any such protection, alteration, reconstruction, relocation, or replacement, the payment of the cost thereof and its proper division, which contract may provide either for money compensation or for the performance of all or any part of the work by the Tennessee Valley Authority.

“(b) In the event of a failure to agree upon the terms and conditions of any such contract, or upon any default in the performance of any contract entered into pursuant to this Act, the bridge owner or the Tennessee Valley Authority shall have the right to bring suit to enforce its rights or for a declaration of its rights under this Act, or under any such contract, in the district court of the United States for the district in which the property in question is located. In any such proceeding the court shall apportion the total cost of the work between the Tennessee Valley Authority and the owner in accord with the provisions contained in this section. The Tennessee Valley Authority’s share of the cost of any such protection, alteration, reconstruction, relocation, or replacement, under any contract made or judgment, award, or decree rendered under the provisions of this section may be paid out of any funds available for carrying out the provisions of the Tennessee Valley Authority Act, as amended, and appropriations for

that purpose are hereby authorized: *Provided*, That, prior to such alteration, reconstruction, or relocation of said bridges, the location and plans shall be submitted to and approved by the Secretary of Transportation in accordance with existing laws."

Approved September 26, 1968.

Secretary of
Transportation,
approval.

Public Law 90-525

AN ACT

September 26, 1968
~ [H. R. 206]

To amend section 2733 of title 10 of the United States Code, to include authority for the settlement of claims incident to the noncombat activity of the Coast Guard while it is operating as a service in the Department of Transportation, to grant equivalent claims settlement authority to the Secretary of Defense, to increase the authority which may be delegated to an officer under subsection (g) of section 2733 of title 10 and subsection (f) of section 715 of title 32, from \$1,000 to \$2,500, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 2733 of title 10 of the United States Code, is amended to read as follows:

Military claims.
Settlement
authority.
70A Stat. 153.

"(a) Under such regulations as the Secretary concerned may prescribe, he, or, subject to appeal to him, the Judge Advocate General of an armed force under his jurisdiction, or the chief legal officer of the Coast Guard, as appropriate, if designated by him, may settle and pay in an amount not more than \$5,000, a claim against the United States for—

"(1) damage to or loss of real property, including damage or loss incident to use and occupancy;

"(2) damage to or loss of personal property, including property bailed to the United States and including registered or insured mail damaged, lost, or destroyed by a criminal act while in the possession of the Army, Navy, Air Force, Marine Corps, or Coast Guard, as the case may be; or

"(3) personal injury or death;

either caused by a civilian officer or employee of that department, or the Coast Guard, or a member of the Army, Navy, Air Force, Marine Corps, or Coast Guard, as the case may be, acting within the scope of his employment, or otherwise incident to noncombat activities of that department, or the Coast Guard."

SEC. 2. Section 645 of title 14 of the United States Code is repealed two years after the effective date of this Act.

Repeal.
63 Stat. 547.

SEC. 3. Subsection (g) of section 2733 of title 10, United States Code, is amended to read as follows:

72 Stat. 813.

"(g) In any case where the amount to be paid is not more than \$2,500, the authority contained in subsection (a) may be delegated to any officer of an armed force under the jurisdiction of the department concerned, subject to appeal to the Secretary concerned, or his designee for that purpose."

SEC. 4. Section 2733 of title 10, United States Code, is amended by the addition of a new subsection (h) as follows:

"(h) Under such regulations as the Secretary of Defense may prescribe, he or his designee has the same authority as the Secretary of a military department under this section with respect to the settlement of claims based on damage, loss, personal injury, or death caused by a civilian officer or employee of the Department of Defense acting within the scope of his employment or otherwise incident to noncombat activities of that department."

72 Stat. 813.

SEC. 5. Subsection (d) of section 2733 of title 10, United States Code, is amended to read as follows:

Report to Congress.

74 Stat. 878.

"(d) If the Secretary concerned considers that a claim in excess of \$5,000 is meritorious and would otherwise be covered by this section, he may pay the claimant \$5,000 and report the excess to Congress for its consideration."

SEC. 6. Subsection (f) of section 715 of title 32, United States Code, is amended to read as follows:

Ante, p. 877.

"(f) In any case where the amount to be paid is not more than \$2,500, the authority contained in subsection (a) may be delegated to any officer of the Army or the Air Force, as the case may be, who has been delegated authority under section 2733(g) of title 10, to settle similar claims, subject to appeal to the Secretary concerned, or his designee for that purpose."

Approved September 26, 1968.

Public Law 90-526

JOINT RESOLUTION

September 28, 1968

[H. J. Res. 1371]

To provide that it be the sense of Congress that a White House Conference on Aging be called by the President of the United States in 1971, to be planned and conducted by the Secretary of Health, Education, and Welfare, and for related purposes.

Whereas the primary responsibility for meeting the challenge and problems of aging is that of the States and communities, all levels of government are involved and must necessarily share responsibility; and it is therefore the policy of the Congress that the Federal Government shall work jointly with the States and their citizens, to develop recommendations and plans for action, consistent with the objectives of this joint resolution, which will serve the purposes of—

(1) assuring middle-aged and older persons equal opportunity with others to engage in gainful employment which they are capable of performing; and

(2) enabling retired persons to enjoy incomes sufficient for health and for participation in family and community life as self-respecting citizens; and

(3) providing housing suited to the needs of older persons and at prices they can afford to pay; and

(4) assisting middle-aged and older persons to make the preparation, develop skills and interests, and find social contacts which will make the gift of added years of life a period of reward and satisfaction; and

(5) stepping up research designed to relieve old age of its burdens of sickness, mental breakdown, and social ostracism; and

(6) evaluating progress made since the last White House Conference on Aging, and examining the changes which the next decade will bring in the character of the problems confronting older persons; and

Whereas it is essential that in all programs developed for the aging, emphasis should be upon the right and obligation of older persons to free choice and self-help in planning their own futures: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President of the United States is authorized to call a White House Conference on Aging in 1971 in order to develop recommendations for further

White House
Conference on
Aging, 1971,
authorization.

research and action in the field of aging, which will further the policies set forth in the preamble of this joint resolution, shall be planned and conducted under the direction of the Secretary who shall have the cooperation and assistance of such other Federal departments and agencies, including the assignment of personnel, as may be appropriate.

(b) For the purpose of arriving at facts and recommendations concerning the utilization of skills, experience, and energies and the improvement of the conditions of our older people, the conference shall bring together representatives of Federal, State, and local governments, professional and lay people who are working in the field of aging, and of the general public, including older persons themselves.

(c) A final report of the White House Conference on Aging shall be submitted to the President not later than one hundred and twenty days following the date on which the Conference is called and the findings and recommendations included therein shall be immediately made available to the public. The Secretary of Health, Education, and Welfare shall, within ninety days after the submission of such final report, transmit to the President and the Congress his recommendations for the administrative action and the legislation necessary to implement the recommendations contained in such report.

Report to
President.

Recom-
mendations.

ADMINISTRATION

SEC. 2. In administering this joint resolution, the Secretary shall—

(a) request the cooperation and assistance of such other Federal departments and agencies as may be appropriate in carrying out the provisions of this joint resolution;

(b) render all reasonable assistance, including financial assistance, to the States in enabling them to organize and conduct conferences on aging prior to the White House Conference on Aging;

(c) prepare and make available background materials for the use of delegates to the White House Conference as he may deem necessary and shall prepare and distribute such report or reports of the Conference as may be indicated; and

(d) in carrying out the provisions of this joint resolution, engage such additional personnel as may be necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive civil service, and without regard to chapter 57 and subchapter 111 of chapter 53 of such title relating to classification and General Schedule pay rates.

5 USC 3301,
5701, 5331,
5332 note.

ADVISORY COMMITTEES

SEC. 3. The Secretary is authorized and directed to establish an Advisory Committee to the White House Conference on Aging composed of not more than twenty-eight professional and public members, a substantial number of whom shall be fifty-five years of age or older, and, as necessary, to establish technical advisory committees to advise and assist in planning and conducting the Conference. The Secretary shall designate one of the appointed members as Chairman. Members of any committee appointed pursuant to this section, who are not officers or employees of the United States, while attending conferences or meetings of their committees or otherwise serving at the request of the Secretary, shall be entitled to receive compensation at a rate to be fixed by the Secretary but not exceeding \$75 per diem, including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized under section 5703 of title 5 of the United States Code for persons in the Government service employed

Compensation,
travel expenses.

80 Stat. 499.

intermittently. The Commissioner on Aging shall act as Executive Secretary of the Committee.

DEFINITIONS

SEC. 4. For the purposes of this joint resolution—

(1) the term "Secretary" means the Secretary of Health, Education, and Welfare; and

(2) the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

Appropriation
authorization.

SEC. 5. There is authorized to be appropriated to carry out this joint resolution the sum of \$1,900,000.

Approved September 28, 1968.

Public Law 90-527

September 28, 1968
[S. 3728]

AN ACT

To authorize the use of funds arising from a judgment in favor of the Kiowa, Comanche, and Apache Tribes of Indians of Oklahoma, and for other purposes.

Indians, Kiowa,
Comanche, and
Apache Tribes.
Judgment funds,
disposition.
Ante, p. 239.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the funds on deposit in the Treasury of the United States to the credit of the Kiowa, Comanche, and Apache Tribes that were appropriated by the Act of June 19, 1968 (Public Law 90-352), to pay a judgment by the Indian Claims Commission entered in dockets numbered 258 and 259, and the interest thereon, after deducting attorney fees and litigation expenses, shall be distributed by the Secretary of the Interior per capita to the persons whose names appear on a roll approved by the Tribes on May 20, 1960, as the basis for distributing a prior Indian Claims Commission judgment, after such roll has been brought current by said tribes, with the technical assistance of the Secretary, (1) by adding the names of children of enrollees who were born on or prior to and were living on the date of this Act, (2) by adding the names of persons who were eligible for enrollment on the May 20, 1960 roll, but were not enrolled, and their children, if they were living on the date of this Act, and (3) by deleting the names of persons who were deceased on the date of this Act.

(b) The Kiowa, Comanche, and Apache Tribes or their authorized representatives shall prescribe a date by which evidence of eligibility for enrollment must be submitted.

(c) The cost of bringing such roll current, and the cost of making the per capita distribution, shall be paid by appropriate withdrawals from funds on deposit in the United States Treasury to the credit of said tribes in such amounts as the tribes and the Secretary may approve, and not out of said judgment and interest thereon.

(d) On approval of the roll by the Secretary, payment shall be made directly to each enrollee, or his heirs or legatees upon proof of death and inheritance satisfactory to the Secretary, whose findings shall be final and conclusive, except that a share or interest therein payable to a person under twenty-one years of age or to a person under legal disability shall be paid in accordance with such procedure as the Secretary, with the advice of the tribes, determines appropriate to protect his best interests.

Tax exemption.

(e) Funds distributed per capita pursuant to this Act shall not be subject to Federal or State income taxes.

Approved September 28, 1968.

Public Law 90-528

AN ACT

To provide for the striking of medals in commemoration of the two hundredth anniversary of the founding of Dartmouth College.

September 28, 1968
[S. 3671]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in commemoration of the two hundredth anniversary of the founding of Dartmouth College by the grant of a royal charter from King George III on December 13, 1769, the Secretary of the Treasury is authorized and directed to strike and furnish to Dartmouth College, Hanover, New Hampshire, not more than twenty-five thousand medals with suitable emblems, devices, and inscriptions to be determined by Dartmouth College subject to the approval of the Secretary of the Treasury. The medals shall be made and delivered at such times as may be required by Dartmouth College in quantities of not less than two thousand, but no medals shall be made after December 31, 1970. The medals shall be considered to be national medals within the meaning of section 3551 of the Revised Statutes (31 U.S.C. 368).

Dartmouth
College.
200th anni-
versary medals.

SEC. 2. The Secretary of the Treasury shall cause such medals to be struck and furnished at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses, and security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for the full payment of such costs.

Cost.

SEC. 3. The medals authorized to be issued pursuant to this Act shall be of such size or sizes and of such various metals as shall be determined by the Secretary of the Treasury in consultation with Dartmouth College.

Sizes,
materials.

Approved September 28, 1968.

Public Law 90-529

AN ACT

To provide for the disposition of judgment funds on deposit to the credit of the Quechan Tribe of the Fort Yuma Reservation, California, in Indian Claims Commission docket numbered 319, and for other purposes.

September 28, 1968
[S. 3620]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the unexpended balance of funds on deposit in the Treasury of the United States to the credit of the Quechan Tribe of Indians that were appropriated by the Act of October 31, 1965 (79 Stat. 1152), to pay a judgment granted by the Indian Claims Commission in docket numbered 319, and the interest thereon, less payment of attorney fees and expenses, may be advanced, expended, invested, or reinvested for any purpose that is authorized by the Quechan Tribal Council and approved by the Secretary of the Interior.

Indians,
Quechan Tribe.
Judgment funds,
disposition.

SEC. 2. Any part of such funds that may be distributed to the members of the tribe shall not be subject to Federal or State income tax.

Tax exemption.

SEC. 3. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

Rules and regu-
lations.

Approved September 28, 1968.

Public Law 90-530

September 28, 1968

[S. 3621]

AN ACT

To provide for the disposition of funds appropriated to pay a judgment in favor of the Muckleshoot Tribe of Indians in Indian Claims Commission docket numbered 98, and for other purposes.

Indians,
Muckleshoot
Tribe.

Judgment funds,
disposition.

Tax exemption.

Rules and regu-
lations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the unexpended balance of funds on deposit in the Treasury of the United States to the credit of the Muckleshoot Tribe of Indians that were appropriated by the Act of May 29, 1967 (81 Stat. 30, 42), to pay a judgment by the Indian Claims Commission in docket numbered 98, and the interest thereon, less attorneys' fees and expenses, may be advanced, expended, invested, or reinvested for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior. Any part of such funds that may be distributed to the individual members of the tribe shall not be subject to Federal or State income taxes.

SEC. 2. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

Approved September 28, 1968.

Public Law 90-531

September 28, 1968

[S. 3420]

AN ACT

To authorize a per capita distribution of \$550 from funds arising from a judgment in favor of the Confederated Tribes of the Colville Reservation.

Indians, Con-
federated Tribes
of the Colville
Reservation.
Judgment funds,
distribution.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds which have been or may be deposited in the Treasury of the United States to pay a judgment of the Indian Claims Commission dated September 7, 1967, in dockets numbered 181-A and 181-B, and the interest on said funds, after payment of attorney fees and expenses, shall be credited to the account of the Confederated Tribes of the Colville Reservation and the Secretary of the Interior is authorized and directed to make a per capita distribution from such funds of a sum no more than \$550, to the extent that such funds are available, to each person born on or prior to and living on the date of this Act who meets the requirements for membership in the Confederated Tribes of the Colville Reservation. The balance of such funds, and the interest thereon, shall be combined and distributed with any other tribal funds that may hereafter become available for per capita distribution.

SEC. 2. Sums payable to persons or their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedure as the Secretary, after consultation with the tribal governing body, determines will adequately protect their best interests.

SEC. 3. The funds distributed under the provisions of this Act shall not be subject to Federal or State income taxes.

SEC. 4. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

Approved September 28, 1968.

Tax exemp-
tions.

Public Law 90-532

AN ACT

September 28, 1968
[S. 3379]

To designate certain lands in the Great Swamp National Wildlife Refuge, Morris County, New Jersey, as wilderness.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 3(c) of the Wilderness Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1132 (c)), certain lands in the Great Swamp National Wildlife Refuge, New Jersey, which comprise about three thousand seven hundred and fifty acres and which are depicted as wilderness units on a map entitled "M. Hartley Dodge Wilderness and Harding Wilderness—Proposed" and dated September 1967 are hereby designated as wilderness. The map shall be on file and available for public inspection in the offices of the Bureau of Sports Fisheries and Wildlife, Department of the Interior.

The Great
Swamp National
Wildlife Refuge
Wilderness Area.
Designation.

SEC. 2. The area designated by this Act as wilderness shall be known as "The Great Swamp National Wildlife Refuge Wilderness Area" and shall be administered by the Bureau of Sports Fisheries and Wildlife under the supervision of the Secretary of the Interior in accordance with the provisions of the Wilderness Act.

Administration.

SEC. 3. Except as necessary to meet minimum requirements in connection with the purposes for which the area is administered (including measures required in emergencies involving the health and safety of persons within the area), there shall be no commercial enterprise, no temporary or permanent roads, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of motorized transport, and no structure or installation within the area designated as wilderness by this Act.

Commercial enter-
prises, etc.,
prohibition.

Approved September 28, 1968.

Public Law 90-533

AN ACT

September 28, 1968
[S. 2715]

To provide for the disposition of funds appropriated to pay a judgment in favor of the Chickasaw Nation or Tribe of Oklahoma, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the unexpended balance of funds on deposit in the Treasury of the United States that were appropriated by the Act of March 31, 1961, to pay a judgment by the Indian Claims Commission in docket numbered 269 and any interest thereon, less payment of attorney fees and expenses, and any other funds heretofore or hereafter deposited in the United States Treasury to the credit of the Chickasaw Nation or Tribe of Oklahoma from sources other than claims may be used, advanced, expended, deposited, invested, or reinvested for any purpose that is authorized by the Governor of the Chickasaw Nation and approved by the Secretary of the Interior.

Chickasaw In-
dians, Okla.
Judgment funds,
disposition.
75 Stat. 40.

Approved September 28, 1968.

Public Law 90-534

AN ACT

September 28, 1968
[S. 3182]

To authorize the purchase, sale, exchange, mortgage, and long-term leasing of land by the Swinomish Indian Tribal Community, and for other purposes.

Swinomish In-
dian Tribal
Community.
Trust lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to purchase with funds made available by the Swinomish Indian Tribal Community any land or interest in land within, adjacent to, or in close proximity to the boundaries of the Swinomish Indian Reservation.

SEC. 2. Any land or interest in land now owned or hereafter acquired by or in trust for the Swinomish Indian Tribal Community may be sold or exchanged for other land or interest in land within, adjacent to, or in close proximity to the boundaries of the Swinomish Indian Reservation, and the land values involved in an exchange must be equal or be equalized by the payment of money.

Tax exemption.

SEC. 3. Title to any land acquired pursuant to this Act shall be taken in the name of the United States in trust for the Swinomish Indian Tribal Community and shall be nontaxable if the land is within the boundaries of the Swinomish Indian Reservation, and title shall be taken in the name of the Community subject to no restrictions on alienation, taxation, management, or use if the land is outside such boundaries.

Mortgages,
deeds, etc.

SEC. 4. The Swinomish Indian Tribal Community may, with the approval of the Secretary of the Interior, execute mortgages or deeds of trust to land the title to which is held by the community, or by the United States in trust for the community. Such land shall be subject to foreclosure or sale pursuant to the terms of such mortgage or deed of trust in accordance with the laws of the State of Washington. The United States shall be an indispensable party to, and may be joined in, any such proceeding involving trust land with the right to remove the action to the United States district court for the district in which the land is situated, according to the procedure in section 1446 of title 28, United States Code, and the United States shall have the right to appeal from any order of remand entered in such action.

62 Stat. 939;
63 Stat. 101;
79 Stat. 887.
Moneys or
credits.

SEC. 5. Any moneys or credits received or credited to the Swinomish Indian Tribal Community from the sale, exchange, mortgage, or granting of any security interest in any tribal land may be used for tribal purposes.

SEC. 6. The second sentence of section 1 of the Act of August 9, 1955 (69 Stat. 539), as amended (25 U.S.C. 415), is hereby further amended by inserting the words "the Swinomish Indian Reservation," after the words "Dania Reservation,".

SEC. 7. The Swinomish Indian Tribal Community may assign any income due it, subject to approval of the Secretary of the Interior. Such approval may be given in general terms or may be limited to specified assignments.

Approved September 28, 1968.

Public Law 90-535

AN ACT

September 28, 1968
[S. 1440]

To include in the prohibitions contained in section 2314 of title 18, United States Code, the transportation with unlawful intent in interstate or foreign commerce of traveler's checks bearing forged countersignatures.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2314 of title 18, United States Code, is amended by inserting after the third paragraph thereof a new paragraph as follows:

Crimes.
Forged traveler's checks,
transportation.
62 Stat. 806.

"Whoever, with unlawful or fraudulent intent, transports in interstate or foreign commerce any traveler's check bearing a forged countersignature; or".

Approved September 28, 1968.

Public Law 90-536

AN ACT

September 28, 1968
[S. 1637]

To amend the Tennessee Valley Authority Act of 1933 with respect to certain provisions applicable to condemnation proceedings.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last six paragraphs of section 25 of the Tennessee Valley Authority Act of 1933 (48 Stat. 70), as amended (16 U.S.C. 831x), are hereby repealed.

TVA property
condemnation
proceedings.

SEC. 2. The amendment made by this Act shall be effective only with respect to condemnation proceedings initiated after thirty days following the date of enactment of this Act.

Effective
date.

Approved September 28, 1968.

Public Law 90-537

AN ACT

September 30, 1968
[S. 1004]

To authorize the construction, operation, and maintenance of the Colorado River Basin project, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—COLORADO RIVER BASIN PROJECT:
OBJECTIVES

Colorado River
Basin Project
Act.

SEC. 101. That this Act may be cited as the "Colorado River Basin Project Act".

SEC. 102. (a) It is the object of this Act to provide a program for the further comprehensive development of the water resources of the Colorado River Basin and for the provision of additional and adequate water supplies for use in the upper as well as in the lower Colorado River Basin. This program is declared to be for the purposes, among others, of regulating the flow of the Colorado River; controlling floods; improving navigation; providing for the storage and delivery of the waters of the Colorado River for reclamation of lands, including supplemental water supplies, and for municipal, industrial, and other beneficial purposes; improving water quality; providing for basic public outdoor recreation facilities; improving conditions for fish and wildlife, and the generation and sale of electrical power as an incident of the foregoing purposes.

(b) It is the policy of the Congress that the Secretary of the Interior (hereinafter referred to as the "Secretary") shall continue to develop, after consultation with affected States and appropriate Federal agencies, a regional water plan, consistent with the provisions of this Act and with future authorizations, to serve as the framework under which projects in the Colorado River Basin may be coordinated and constructed with proper timing to the end that an adequate supply of water may be made available for such projects, whether heretofore, herein, or hereafter authorized.

TITLE II—INVESTIGATIONS AND PLANNING

SEC. 201. Pursuant to the authority set out in the Reclamation Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto, and the provisions of the Water Resources Planning Act of July 22, 1965, 79 Stat. 244, as amended, with respect to the coordination of studies, investigations and assessments, the Secretary of the Interior shall conduct full and complete reconnaissance investigations for the purpose of developing a general plan to meet the future water needs of the Western United States. Such investigations shall include the long-range water supply available and the long-range water requirements in each water resource region of the Western United States. Progress reports in connection with these investigations shall be submitted to the President, the National Water Commission (while it is in existence), the Water Resources Council, and to the Congress every two years. The first of such reports shall be submitted on or before June 30, 1971, and a final reconnaissance report shall be submitted not later than June 30, 1977: *Provided*, That for a period of ten years from the date of this Act, the Secretary shall not undertake reconnaissance studies of any plan for the importation of water into the Colorado River Basin from any other natural river drainage basin lying outside the States of Arizona, California, Colorado, New Mexico, and those portions of Nevada, Utah, and Wyoming which are in the natural drainage basin of the Colorado River.

43 USC 371.
42 USC 1962
note.

Reports.

SEC. 202. The Congress declares that the satisfaction of the requirements of the Mexican Water Treaty from the Colorado River constitutes a national obligation which shall be the first obligation of any water augmentation project planned pursuant to section 201 of this Act and authorized by the Congress. Accordingly, the States of the Upper Division (Colorado, New Mexico, Utah, and Wyoming) and the States of the Lower Division (Arizona, California, and Nevada) shall be relieved from all obligations which may have been imposed upon them by article III(c) of the Colorado River Compact so long as the Secretary shall determine and proclaim that means are available and in operation which augment the water supply of the Colorado River system in such quantity as to satisfy the requirements of the Mexican Water Treaty together with any losses of water associated with the performance of that treaty: *Provided*, That the satisfaction of the requirements of the Mexican Water Treaty (Treaty Series 994, 59 Stat. 1219), shall be from the waters of the Colorado River pursuant to the treaties, laws, and compacts presently relating thereto, until such time as a feasibility plan showing the most economical means of augmenting the water supply available in the Colorado River below Lee Ferry by two and one-half million acre-feet shall be authorized by the Congress and is in operation as provided in this Act.

SEC. 203. (a) In the event that the Secretary shall, pursuant to section 201, plan works to import water into the Colorado River system from sources outside the natural drainage areas of the system, he shall make provision for adequate and equitable protection of the interests of the States and areas of origin, including assistance from funds specified in this Act, to the end that water supplies may be available for use in such States and areas of origin adequate to satisfy their ultimate requirements at prices to users not adversely affected by the exportation of water to the Colorado River system.

(b) All requirements, present or future, for water within any State lying wholly or in part within the drainage area of any river basin from which water is exported by works planned pursuant to this Act shall have a priority of right in perpetuity to the use of the waters of that river basin, for all purposes, as against the uses of the water delivered by means of such exportation works, unless otherwise provided by interstate agreement.

SEC. 204. There are hereby authorized to be appropriated such sums as are required to carry out the purposes of this title.

TITLE III—AUTHORIZED UNITS: PROTECTION OF EXISTING USES

SEC. 301. (a) For the purposes of furnishing irrigation water and municipal water supplies to the water-deficient areas of Arizona and western New Mexico through direct diversion or exchange of water, control of floods, conservation and development of fish and wildlife resources, enhancement of recreation opportunities, and for other purposes, the Secretary shall construct, operate, and maintain the Central Arizona Project, consisting of the following principal works: (1) a system of main conduits and canals, including a main canal and pumping plants (Granite Reef aqueduct and pumping plants), for diverting and carrying water from Lake Havasu to Orme Dam or suitable alternative, which system may have a capacity of 3,000 cubic feet per second or whatever lesser capacity is found to be feasible: *Provided*, That any capacity in the Granite Reef aqueduct in excess of 2,500 cubic feet per second shall be utilized for the conveyance of Colorado River water only when Lake Powell is full or releases of water are made from Lake

Powell to prevent the reservoir from exceeding elevation 3,700 feet above mean sea level or when releases are made pursuant to the proviso in section 602(a) (3) of this Act: *Provided further*, That the costs of providing any capacity in excess of 2,500 cubic feet per second shall be repaid by those funds available to Arizona pursuant to the provision of subsection 403(f) of this Act, or by funds from sources other than the development fund; (2) Orme Dam and Reservoir and power-pumping plant or suitable alternative; (3) Buttes Dam and Reservoir, which shall be so operated as not to prejudice the rights of any user in and to the waters of the Gila River as those rights are set forth in the decree entered by the United States District Court for the District of Arizona on June 29, 1935, in United States against Gila Valley Irrigation District and others (Globe Equity Numbered 59); (4) Hooker Dam and Reservoir or suitable alternative, which shall be constructed in such a manner as to give effect to the provisions of subsection (f) of section 304; (5) Charleston Dam and Reservoir; (6) Tucson aqueducts and pumping plants; (7) Salt-Gila aqueducts; (8) related canals, regulating facilities, hydroelectric powerplants, and electrical transmission facilities required for the operation of said principal works; (9) related water distribution and drainage works; and (10) appurtenant works.

(b) Article II(B) (3) of the decree of the Supreme Court of the United States in Arizona against California (376 U.S. 340) shall be so administered that in any year in which, as determined by the Secretary, there is insufficient main stream Colorado River water available for release to satisfy annual consumptive use of seven million five hundred thousand acre-feet in Arizona, California, and Nevada, diversions from the main stream for the Central Arizona Project shall be so limited as to assure the availability of water in quantities sufficient to provide for the aggregate annual consumptive use by holders of present perfected rights, by other users in the State of California served under existing contracts with the United States by diversion works heretofore constructed, and by other existing Federal reservations in that State, of four million four hundred thousand acre-feet of mainstream water, and by users of the same character in Arizona and Nevada. Water users in the State of Nevada shall not be required to bear shortages in any proportion greater than would have been imposed in the absence of this subsection 301(b). This subsection shall not affect the relative priorities, among themselves, of water users in Arizona, Nevada, and California which are senior to diversions for the Central Arizona Project, or amend any provisions of said decree.

(c) The limitation stated in subsection (b) of this section shall not apply so long as the Secretary shall determine and proclaim that means are available and in operation which augment the water supply of the Colorado River system in such quantity as to make sufficient mainstream water available for release to satisfy annual consumptive use of seven million five hundred thousand acre-feet in Arizona, California, and Nevada.

SEC. 302. (a) The Secretary shall designate the lands of the Salt River Pima-Maricopa Indian Community, Arizona, and the Fort McDowell-Apache Indian Community, Arizona, or interests therein, and any allotted lands or interests therein within said communities which he determines are necessary for use and occupancy by the United States for the construction, operation, and maintenance of Orme Dam and Reservoir, or alternative. The Secretary shall offer to pay the fair market value of the lands and interests designated, inclusive of improvements. In addition, the Secretary shall offer to pay toward the cost of relocating or replacing such improvements not to exceed \$500,000 in the aggregate, and the amount offered for the actual relocation or replacement of a residence shall not exceed the difference between the fair market value of the residence and \$8,000. Each community and

each affected allottee shall have six months in which to accept or reject the Secretary's offer. If the Secretary's offer is rejected, the United States may proceed to acquire the property interests involved through eminent domain proceedings in the United States District Court for the District of Arizona under 40 U.S.C., sections 257 and 258a. Upon acceptance in writing of the Secretary's offer, or upon the filing of a declaration of taking in eminent domain proceedings, title to the lands or interests involved, and the right to possession thereof, shall vest in the United States. Upon a determination by the Secretary that all or any part of such lands or interests are no longer necessary for the purpose for which acquired, title to such lands or interests shall be restored to the appropriate community upon repayment to the Federal Government of the amounts paid by it for such lands.

62 Stat. 986;
46 Stat. 1421.

(b) Title to any land or easement acquired pursuant to this section shall be subject to the right of the former owner to use or lease the land for purposes not inconsistent with the construction, operation, and maintenance of the project, as determined by, and under terms and conditions prescribed by, the Secretary. Such right shall include the right to extract and dispose of minerals. The determination of fair market value under subsection (a) shall reflect the right to extract and dispose of minerals and all other uses permitted by this section.

(c) In view of the fact that a substantial portion of the lands of the Fort McDowell Mohave-Apache Indian Community will be required for Orme Dam and Reservoir, or alternative, the Secretary shall, in addition to the compensation provided for in subsection (a) of this section, designate and add to the Fort McDowell Indian Reservation twenty-five hundred acres of suitable lands in the vicinity of the reservation that are under the jurisdiction of the Department of the Interior in township 4 north, range 7 east; township 5 north, range 7 east; and township 3 north, range 7 east, Gila and Salt River base meridian, Arizona. Title to lands so added to the reservation shall be held by the United States in trust for the Fort McDowell Mohave-Apache Indian Community.

(d) Each community shall have a right, in accordance with plans approved by the Secretary, to develop and operate recreational facilities along the part of the shoreline of the Orme Reservoir located on or adjacent to its reservation, including land added to the Fort McDowell Reservation as provided in subsection (b) of this section, subject to rules and regulations prescribed by the Secretary governing the recreation development of the reservoir. Recreation development of the entire reservoir and federally owned lands under the jurisdiction of the Secretary adjacent thereto shall be in accordance with a master recreation plan approved by the Secretary. The members of each community shall have nonexclusive personal rights to hunt and fish on or in the reservoir without charge to the same extent they are now authorized to hunt and fish, but no community shall have the right to exclude others from the reservoir except by control of access through its reservation or any right to require payment by members of the public except for the use of community lands or facilities.

(e) All funds paid pursuant to this section, and any per capita distribution thereof, shall be exempt from all forms of State and Federal income taxes.

SEC. 303. (a) The Secretary is authorized and directed to continue to a conclusion appropriate engineering and economic studies and to recommend the most feasible plan for the construction and operation of hydroelectric generating and transmission facilities, the purchase of electrical energy, the purchase of entitlement to electrical plant capacity, or any combination thereof, including participation, operation, or construction by non-Federal entities, for the purpose of supplying the power requirements of the Central Arizona Project and

augmenting the Lower Colorado River Basin Development Fund: *Provided*, That nothing in this section or in this Act contained shall be construed to authorize the study or construction of any dams on the main stream of the Colorado River between Hoover Dam and Glen Canyon Dam.

(b) If included as a part of the recommended plan, the Secretary may enter into agreements with non-Federal interests proposing to construct thermal generating powerplants whereby the United States shall acquire the right to such portions of their capacity, including delivery of power and energy over appurtenant transmission facilities to mutually agreed upon delivery points, as he determines is required in connection with the operation of the Central Arizona Project. When not required for the Central Arizona Project, the power and energy acquired by such agreements may be disposed of intermittently by the Secretary for other purposes at such prices as he may determine, including its marketing in conjunction with the sale of power and energy from Federal powerplants in the Colorado River system so as to produce the greatest practicable amount of power and energy that can be sold at firm power and energy rates. The agreements shall provide, among other things, that—

(1) the United States shall pay not more than that portion of the total construction cost, exclusive of interest during construction, of the powerplants, and of any switchyards and transmission facilities serving the United States, as is represented by the ratios of the respective capacities to be provided for the United States therein to the total capacities of such facilities. The Secretary shall make the Federal portion of such costs available to the non-Federal interests during the construction period, including the period of preparation of designs and specifications, in such installments as will facilitate a timely construction schedule, but no funds other than for preconstruction activities shall be made available by the Secretary until he determines that adequate contractual arrangements have been entered into between all the affected parties covering land, water, fuel supplies, power (its availability and use), rights-of-way, transmission facilities and all other necessary matters for the thermal generating powerplants;

(2) annual operation and maintenance costs shall be apportioned between the United States and the non-Federal interests on an equitable basis taking into account the ratios determined in accordance with the foregoing clause (1): *Provided, however*, That the United States shall share on the foregoing basis in the depreciation component of such costs only to the extent of provision for depreciation on replacements financed by the non-Federal interests;

(3) the United States shall be given appropriate credit for any interests in Federal lands administered by the Department of the Interior that are made available for the powerplants and appurtenances;

(4) costs to be borne by the United States under clauses (1) and (2) shall not include (a) interest and interest during construction, (b) financing charges, (c) franchise fees, and (d) such other costs as shall be specified in the agreement.

(c) No later than one year from the effective date of this Act, the Secretary shall submit his recommended plan to the Congress. Except as authorized by subsection (b) of this section, such plan shall not become effective until approved by the Congress.

(d) If any thermal generating plant referred to in subsection (b) of this section is located in Arizona, and if it is served by water diverted from the drainage area of the Colorado River system above Lee Ferry,

Operation and
maintenance
costs.

Recommendations
to Congress.

Arizona,
apportionment of
diverted water.

other provisions of existing law to the contrary notwithstanding, such consumptive use of water shall be a part of the fifty thousand acre-foot per annum apportioned to the State of Arizona by article III(a) of the Upper Colorado River Basin Compact (63 Stat. 31).

SEC. 304. (a) Unless and until otherwise provided by Congress, water from the Central Arizona Project shall not be made available directly or indirectly for the irrigation of lands not having a recent irrigation history as determined by the Secretary, except in the case of Indian lands, national wildlife refuges, and, with the approval of the Secretary, State-administered wildlife management areas.

Irrigation restriction.

(b) (1) Irrigation and municipal and industrial water supply under the Central Arizona Project within the State of Arizona may, in the event the Secretary determines that it is necessary to effect repayment, be pursuant to master contracts with organizations which have power to levy assessments against all taxable real property within their boundaries. The terms and conditions of contracts or other arrangements whereby each such organization makes water from the Central Arizona Project available to users within its boundaries shall be subject to the Secretary's approval, and the United States shall, if the Secretary determines such action is desirable to facilitate carrying out the provisions of this Act, have the right to require that it be a party to such contracts or that contracts subsidiary to the master contracts be entered into between the United States and any user. The provisions of this clause (1) shall not apply to the supplying of water to an Indian tribe for use within the boundaries of an Indian reservation.

Water supply, repayment contracts.

(2) Any obligation assumed pursuant to section 9(d) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(d)) with respect to any project contract unit or irrigation block shall be repaid over a basic period of not more than fifty years; any water service provided pursuant to section 9(e) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(e)) may be on the basis of delivery of water for a period of fifty years and for the delivery of such water at an identical price per acre-foot for water of the same class at the several points of delivery from the main canals and conduits and from such other points of delivery as the Secretary may designate; and long-term contracts relating to irrigation water supply shall provide that water made available thereunder may be made available by the Secretary for municipal or industrial purposes if and to the extent that such water is not required by the contractor for irrigation purposes.

53 Stat. 1195.

(3) Contracts relating to municipal and industrial water supply under the Central Arizona Project may be made without regard to the limitations of the last sentence of section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)); may provide for the delivery of such water at an identical price per acre-foot for water of the same class at the several points of delivery from the main canals and conduits; and may provide for repayment over a period of fifty years if made pursuant to clause (1) of said section and for the delivery of water over a period of fifty years if made pursuant to clause (2) thereof.

(c) Each contract under which water is provided under the Central Arizona Project shall require that (1) there be in effect measures, adequate in the judgment of the Secretary, to control expansion of irrigation from aquifers affected by irrigation in the contract service area; (2) the canals and distribution systems through which water is conveyed after its delivery by the United States to the contractors shall be provided and maintained with linings adequate in his judgment to prevent excessive conveyance losses; and (3) neither the contractor nor the Secretary shall pump or permit others to pump ground water from within the exterior boundaries of the service area of a contractor receiving water from the Central Arizona Project for any use outside

Water conservation.

said contractor's service area unless the Secretary and such contractor shall agree, or shall have previously agreed, that a surplus of ground water exists and that drainage is or was required. Such contracts shall be subordinate at all times to the satisfaction of all existing contracts between the Secretary and users in Arizona heretofore made pursuant to the Boulder Canyon Project Act (45 Stat. 1057).

43 USC 617t.

Water exchanges.

(d) The Secretary may require in any contract under which water is provided from the Central Arizona Project that the contractor agree to accept main stream water in exchange for or in replacement of existing supplies from sources other than the main stream. The Secretary shall so require in the case of users in Arizona who also use water from the Gila River system to the extent necessary to make available to users of water from the Gila River system in New Mexico additional quantities of water as provided in and under the conditions specified in subsection (f) of this section: *Provided*, That such exchanges and replacements shall be accomplished without economic injury or cost to such Arizona contractors.

Water shortage
priorities.

(e) In times of shortage or reduction of main stream Colorado River water for the Central Arizona Project, as determined by the Secretary, users which have yielded water from other sources in exchange for main stream water supplied by that project shall have a first priority to receive main stream water, as against other users supplied by that project which have not so yielded water from other sources, but only in quantities adequate to replace the water so yielded.

New Mexico
users, water
exchange
contracts.

(f) (1) In the operation of the Central Arizona Project, the Secretary shall offer to contract with water users in New Mexico for water from the Gila River, its tributaries and underground water sources in amounts that will permit consumptive use of water in New Mexico of not to exceed an annual average in any period of ten consecutive years of eighteen thousand acre-feet, including reservoir evaporation, over and above the consumptive uses provided for by article IV of the decree of the Supreme Court of the United States in Arizona against California (376 U.S. 340). Such increased consumptive uses shall not begin until, and shall continue only so long as, delivery of Colorado River water to downstream Gila River users in Arizona is being accomplished in accordance with this Act, in quantities sufficient to replace any diminution of their supply resulting from such diversion from the Gila River, its tributaries and underground water sources. In determining the amount required for this purpose full consideration shall be given to any differences in the quality of the waters involved.

(2) The Secretary shall further offer to contract with water users in New Mexico for water from the Gila River, its tributaries, and underground water sources in amounts that will permit consumptive uses of water in New Mexico of not to exceed an annual average in any period of ten consecutive years of an additional thirty thousand acre-feet, including reservoir evaporation. Such further increases in consumptive use shall not begin until, and shall continue only so long as, works capable of augmenting the water supply of the Colorado River system have been completed and water sufficiently in excess of two million eight hundred thousand acre-feet per annum is available from the main stream of the Colorado River for consumptive use in Arizona to provide water for the exchanges herein authorized and provided. In determining the amount required for this purpose full consideration shall be given to any differences in the quality of the waters involved.

(3) All additional consumptive uses provided for in clauses (1) and (2) of this subsection shall be subject to all rights in New Mexico and Arizona as established by the decree entered by the United States District Court for the District of Arizona on June 29, 1935, in United States against Gila Valley Irrigation District and others (Globe Equity Numbered 59) and to all other rights existing on the effective

date of this Act in New Mexico and Arizona to water from the Gila River, its tributaries, and underground water sources, and shall be junior thereto and shall be made only to the extent possible without economic injury or cost to the holders of such rights.

(g) For a period of ten years from the date of enactment of this Act, no water from the projects authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938 (52 Stat. 38), as amended (7 U.S.C. 1301), unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

Newly irrigated
lands, restriction.

63 Stat. 1051.
7 USC 1421
note.

62 Stat. 1251.

Main stream
water cost.

SEC. 305. To the extent that the flow of the main stream of the Colorado River is augmented in order to make sufficient water available for release, as determined by the Secretary pursuant to article II(b)(1) of the decree of the Supreme Court of the United States in Arizona against California (376 U.S. 340), to satisfy annual consumptive use of two million eight hundred thousand acre-feet in Arizona, four million four hundred thousand acre-feet in California, and three hundred thousand acre-feet in Nevada, respectively, the Secretary shall make such water available to users of main stream water in those States at the same costs (to the extent that such costs can be made comparable through the nonreimbursable allocation to the replenishment of the deficiencies occasioned by satisfaction of the Mexican Treaty burden as herein provided and financial assistance from the development fund established by section 403 of this Act) and on the same terms as would be applicable if main stream water were available for release in the quantities required to supply such consumptive use.

Water salvage
programs.

SEC. 306. The Secretary shall undertake programs for water salvage and ground water recovery along and adjacent to the main stream of the Colorado River. Such programs shall be consistent with maintenance of a reasonable degree of undisturbed habitat for fish and wildlife in the area, as determined by the Secretary.

Dixie project,
integration.

SEC. 307. The Dixie Project, heretofore authorized in the State of Utah, is hereby reauthorized for construction at the site determined feasible by the Secretary, and the Secretary shall integrate such project into the repayment arrangement and participation in the Lower Colorado River Basin Development Fund established by title IV of this Act consistent with the provisions of the Act: *Provided*, That section 8 of Public Law 88-565 (78 Stat. 848) is hereby amended by deleting the figure "\$42,700,000" and inserting in lieu thereof the figure "\$58,000,000".

43 USC 616hh.

SEC. 308. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the project works authorized pursuant to this title shall be in accordance with the provisions of the Federal Water Project Recreation Act (79 Stat. 213), except as provided in section 302 of this Act.

Fish and
wildlife con-
servation and
development.

16 USC 460l-12
note.
Central
Arizona project,
appropriation.

SEC. 309. (a) There is hereby authorized to be appropriated for construction of the Central Arizona Project, including prepayment for power generation and transmission facilities but exclusive of distribution and drainage facilities for non-Indian lands, \$832,180,000 plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved therein and, in addition thereto, such sums as may be required for operation and maintenance of the project.

Non-Indian lands
facilities,
appropriation.

(b) There is also authorized to be appropriated \$100,000,000 for construction of distribution and drainage facilities for non-Indian lands. Notwithstanding the provisions of section 403 of this Act, neither appropriations made pursuant to the authorization contained in this subsection (b) nor revenues collected in connection with the operation of such facilities shall be credited to the Lower Colorado River Basin Development Fund and payments shall not be made from that fund to the general fund of the Treasury to return any part of the costs of construction, operation, and maintenance of such facilities.

TITLE IV—LOWER COLORADO RIVER BASIN DEVELOPMENT FUND: ALLOCATION AND REPAYMENT OF COSTS: CONTRACTS

SEC. 401. Upon completion of each lower basin unit of the project herein or hereafter authorized, or separate feature thereof, the Secretary shall allocate the total costs of constructing said unit or features to (1) commercial power, (2) irrigation, (3) municipal and industrial water supply, (4) flood control, (5) navigation, (6) water quality control, (7) recreation, (8) fish and wildlife, (9) the replenishment of the depletion of Colorado River flows available for use in the United States occasioned by performance of the Water Treaty of 1944 with the United Mexican States (Treaty Series 994; 59 Stat. 1219), and (10) any other purposes authorized under the Federal reclamation laws. Costs of construction, operation, and maintenance allocated to the replenishment of the depletion of Colorado River flows available for use in the United States occasioned by compliance with the Mexican Water Treaty (including losses in transit, evaporation from regulatory reservoirs, and regulatory losses at the Mexican boundary, incurred in the transportation, storage, and delivery of water in discharge of the obligations of that treaty) shall be nonreimbursable: *Provided*, That the nonreimbursable allocation shall be made on a pro rata basis to be determined by the ratio between the amount of water required to comply with the Mexican Water Treaty and the total amount of water by which the Colorado River is augmented pursuant to the investigations authorized by title II of this Act and any future Congressional authorization. The repayment of costs allocated to recreation and fish and wildlife enhancement shall be in accordance with the provisions of the Federal Water Project Recreation Act (79 Stat. 213): *Provided*, That all of the separable and joint costs allocated to recreation and fish and wildlife enhancement as a part of the Dixie project, Utah, shall be nonreimbursable. Costs allocated to nonreimbursable purposes shall be nonreturnable under the provisions of this Act.

16 USC 4601-12
note.

Indian lands,
repayment capability.

SEC. 402. The Secretary shall determine the repayment capability of Indian lands within, under, or served by any unit of the project. Construction costs allocated to irrigation of Indian lands (including provision of water for incidental domestic and stock water uses) and within the repayment capability of such lands shall be subject to the Act of July 1, 1932 (47 Stat. 564; 25 U.S.C. 386a), and such costs that are beyond repayment capability of such lands shall be nonreimbursable.

Lower
Colorado River
Basin Develop-
ment Fund.
Establishment.

SEC. 403. (a) There is hereby established a separate fund in the Treasury of the United States to be known as the Lower Colorado River Basin Development Fund (hereafter called the "development fund"), which shall remain available until expended as hereafter provided.

(b) All appropriations made for the purpose of carrying out the provisions of title III of this Act shall be credited to the development

Ante, p. 887.

fund as advances from the general fund of the Treasury, and shall be available for such purpose.

(c) There shall also be credited to the development fund—

(1) all revenues collected in connection with the operation of facilities authorized in title III in furtherance of the purposes of this Act (except entrance, admission, and other recreation fees or charges and proceeds received from recreation concessionaires), including revenues which, after completion of payout of the Central Arizona Project as required herein are surplus, as determined by the Secretary, to the operation, maintenance, and replacement requirements of said project;

Ante, p. 887.

(2) any Federal revenues from the Boulder Canyon and Parker-Davis projects which, after completion of repayment requirements of the said Boulder Canyon and Parker-Davis projects, are surplus, as determined by the Secretary, to the operation, maintenance, and replacement requirements of those projects: *Provided, however*, That the Secretary is authorized and directed to continue the in-lieu-of-tax payments to the States of Arizona and Nevada provided for in section 2(c) of the Boulder Canyon Project Adjustment Act so long as revenues accrue from the operation of the Boulder Canyon project; and

54 Stat. 775.
43 USC 618a.

(3) any Federal revenues from that portion of the Pacific Northwest-Pacific Southwest intertie located in the States of Nevada and Arizona which, after completion of repayment requirements of the said part of the Pacific Northwest-Pacific Southwest intertie located in the States of Nevada and Arizona, are surplus, as determined by the Secretary, to the operation, maintenance, and replacement requirements of said portion of the Pacific Northwest-Pacific Southwest intertie and related facilities.

(d) All moneys collected and credited to the development fund pursuant to subsection (b) and clauses (1) and (3) of subsection (c) of this section and the portion of revenues derived from the sale of power and energy for use in Arizona pursuant to clause (2) of subsection (c) of this section shall be available, without further appropriation, for—

Development
fund revenue use.

(1) defraying the costs of operation, maintenance, and replacements of, and emergency expenditures for, all facilities of the projects, within such separate limitations as may be included in annual appropriation Acts; and

(2) payments to reimburse water users in the State of Arizona for losses sustained as a result of diminution of the production of hydroelectric power at Coolidge Dam, Arizona, resulting from exchanges of water between users in the States of Arizona and New Mexico as set forth in section 304(f) of this Act.

(e) Revenues credited to the development fund shall not be available for construction of the works comprised within any unit of the project herein or hereafter authorized except upon appropriation by the Congress.

(f) Moneys credited to the development fund pursuant to subsection (b) and clauses (1) and (3) of subsection (c) of this section and the portion of revenues derived from the sale of power and energy for use in Arizona pursuant to clause (2) of subsection (c) of this section in excess of the amount necessary to meet the requirements of clauses (1) and (2) of subsection (d) of this section shall be paid annually to the general fund of the Treasury to return—

(1) the costs of each unit of the projects or separable feature thereof authorized pursuant to title III of this Act which are allocated to irrigation, commercial power, or municipal and industrial water supply, pursuant to this Act within a period not

exceeding fifty years from the date of completion of each such unit or separable feature, exclusive of any development period authorized by law: *Provided*, That return of the cost, if any, required by section 307 shall not be made until after the payout period of the Central Arizona Project as authorized herein; and

(2) interest (including interest during construction) on the unamortized balance of the investment in the commercial power and municipal and industrial water supply features of the project at a rate determined by the Secretary of the Treasury in accordance with the provisions of subsection (h) of this section, and interest due shall be a first charge.

(g) All revenues credited to the development fund in accordance with clause (c)(2) of this section (excluding only those revenues derived from the sale of power and energy for use in Arizona during the payout period of the Central Arizona Project as authorized herein) and such other revenues as remain in the development fund after making the payments required by subsections (d) and (f) of this section shall be available (1) to make payments, if any, as required by sections 307 and 502 of this Act, and (2) upon appropriation by the Congress, to assist in the repayment of reimbursable costs incurred in connection with units hereafter constructed to provide for the augmentation of the water supplies of the Colorado River for use below Lee Ferry as may be authorized as a result of the investigations and recommendations made pursuant to section 201 and subsection 203(a) of this Act.

Interest rate.

(h) The interest rate applicable to those portions of the reimbursable costs of each unit of the project which are properly allocated to commercial power development and municipal and industrial water supply shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which the first advance is made for initiating construction of such unit, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption for fifteen years from the date of issue.

Annual budgets,
submittal to
Congress.
Report to
Congress.

(i) Business-type budgets shall be submitted to the Congress annually for all operations financed by the development fund.

SEC. 404. On January 1 of each year the Secretary shall report to the Congress, beginning with the fiscal year ending June 30, 1969, upon the status of the revenues from and the cost of constructing, operating, and maintaining each lower basin unit of the project for the preceding fiscal year. The report of the Secretary shall be prepared to reflect accurately the Federal investment allocated at that time to power, to irrigation, and to other purposes, the progress of return and repayment thereon, and the estimated rate of progress, year by year, in accomplishing full repayment.

TITLE V—UPPER COLORADO RIVER BASIN: AUTHORIZATIONS AND REIMBURSEMENTS

SEC. 501. (a) In order to provide for the construction, operation, and maintenance of the Animas-La Plata Federal reclamation project, Colorado-New Mexico; the Dolores, Dallas Creek, West Divide, and San Miguel Federal reclamation projects, Colorado; and the Central Utah project (Uintah unit), Utah, as participating projects under the Colorado River Storage Project Act (70 Stat. 105; 43 U.S.C. 620), and to provide for the completion of planning reports on other participating projects, clause (2) of section 1 of said Act is hereby further amended by (i) inserting the words "and the Uintah unit" after the

word "phase" within the parenthesis following "Central Utah"; (ii) deleting the words "Pine River Extension" and inserting in lieu thereof the words "Animas-La Plata, Dolores, Dallas Creek, West Divide, San Miguel"; (iii) adding after the words "Smith Fork:" the proviso "*Provided*, That construction of the Uintah unit of the Central Utah project shall not be undertaken by the Secretary until he has completed a feasibility report on such unit and submitted such report to the Congress along with his certification that, in his judgment, the benefits of such unit or segment will exceed the costs and that such unit is physically and financially feasible, and the Congress has authorized the appropriation of funds for the construction thereof:". Section 2 of said Act is hereby further amended by (i) deleting the words "Parshall, Troublesome, Rabbit Ear, San Miguel, West Divide, Tomichi Creek, East River, Ohio Creek, Dallas Creek, Dolores, Fruit Growers Extension, Animas-La Plata", and inserting after the words "Yellow Jacket" the words "Basalt Middle Park (including the Troublesome, Rabbit Ear, and Azure units), Upper Gunnison (including the East River, Ohio Creek, and Tomichi Creek units), Lower Yampa (including the Juniper and Great Northern units), Upper Yampa (including the Hayden Mesa, Wessels, and Toponas units)"; (ii) by inserting after the word "Sublette" the words "(including a diversion of water from the Green River to the North Platte River Basin in Wyoming), Ute Indian unit of the Central Utah Project, San Juan County (Utah), Price River, Grand County (Utah), Gray Canyon, and Juniper (Utah)"; and (iii) changing the period after "projects" to a colon and adding the following proviso: "*Provided*, That the planning report for the Ute Indian unit of the Central Utah participating project shall be completed on or before December 31, 1974, to enable the United States of America to meet the commitments heretofore made to the Ute Indian Tribe of the Uintah and Ouray Indian Reservation under the agreement dated September 20, 1965 (Contract Numbered 14-06-W-194)". The amount which section 12 of said Act authorizes to be appropriated is hereby further increased by the sum of \$392,000,000, plus or minus such amounts, if any, as may be required, by reason of changes in construction costs as indicated by engineering cost indices applicable to the type of construction involved. This additional sum shall be available solely for the construction of the Animas-La Plata, Dolores, Dallas Creek, West Divide, and San Miguel projects herein authorized.

Report to
Congress.

43 USC 620a.

Authorization
increase.
43 USC 620k.

(b) The Secretary is directed to proceed as nearly as practicable with the construction of the Animas-La Plata, Dolores, Dallas Creek, West Divide, and San Miguel participating Federal reclamation projects concurrently with the construction of the Central Arizona Project, to the end that such projects shall be completed not later than the date of the first delivery of water from said Central Arizona Project: *Provided*, That an appropriate repayment contract for each of said participating projects shall have been executed as provided in section 4 of the Colorado River Storage Project Act (70 Stat. 107) before construction shall start on that particular project.

43 USC 620c.

(c) The Animas-La Plata Federal reclamation project shall be constructed and operated in substantial accordance with the engineering plans set out in the report of the Secretary transmitted to the Congress on May 4, 1966, and printed as House Document 436, Eighty-ninth Congress: *Provided*, That construction of the Animas-La Plata Federal reclamation project shall not be undertaken until and unless the States of Colorado and New Mexico shall have ratified the following compact to which the consent of Congress is hereby given:

Animas-La
Plata Federal
reclamation
project; consent
of Congress.

“ANIMAS-LA PLATA PROJECT COMPACT

“The State of Colorado and the State of New Mexico, in order to implement the operation of the Animas-La Plata Federal Reclamation Project, Colorado-New Mexico, a proposed participating project under the Colorado River Storage Project Act (70 Stat. 105; 43 U.S.C. 620) and being moved by considerations of interstate comity, have resolved to conclude a compact for these purposes and have agreed upon the following articles:

“ARTICLE I

“A. The right to store and divert water in Colorado and New Mexico from the La Plata and Animas River systems, including return flow to the La Plata River from Animas River diversions, for uses in New Mexico under the Animas-La Plata Federal Reclamation Project shall be valid and of equal priority with those rights granted by decree of the Colorado state courts for the uses of water in Colorado for that project, providing such uses in New Mexico are within the allocation of water made to that state by articles III and XIV of the Upper Colorado River Basin Compact (63 Stat. 31).

“B. The restrictions of the last sentence of Section (a) of Article IX of the Upper Colorado River Basin Compact shall not be construed to vitiate paragraph A of this article.

“ARTICLE II

“This Compact shall become binding and obligatory when it shall have been ratified by the legislatures of each of the signatory States.”

(d) The Secretary shall, for the Animas-La Plata, Dolores, Dallas Creek, San Miguel, West Divide, and Seedskadee participating projects of the Colorado River storage project, establish the nonexcess irrigable acreage for which any single ownership may receive project water at one hundred and sixty acres of class 1 land or the equivalent thereof, as determined by the Secretary, in other land classes.

(e) In the diversion and storage of water for any project or any parts thereof constructed under the authority of this Act or the Colorado River Storage Project Act within and for the benefit of the State of Colorado only, the Secretary is directed to comply with the constitution and statutes of the State of Colorado relating to priority of appropriation; with State and Federal court decrees entered pursuant thereto; and with operating principles, if any, adopted by the Secretary and approved by the State of Colorado.

(f) The words “any western slope appropriations” contained in paragraph (i) of that section of Senate Document Numbered 80, Seventy-fifth Congress, first session, entitled “Manner of Operation of Project Facilities and Auxiliary Features”, shall mean and refer to the appropriation heretofore made for the storage of water in Green Mountain Reservoir, a unit of the Colorado-Big Thompson Federal reclamation project, Colorado; and the Secretary is directed to act in accordance with such meaning and reference. It is the sense of Congress that this directive defines and observes the purpose of said paragraph (i), and does not in any way affect or alter any rights or obligations arising under said Senate Document Numbered 80 or under the laws of the State of Colorado.

SEC. 502. The Upper Colorado River Basin Fund established under section 5 of the Colorado River Storage Project Act (70 Stat. 107; 43 U.S.C. 620d) shall be reimbursed from the Colorado River Development Fund established by section 2 of the Boulder Canyon Project Adjustment Act (54 Stat. 774; 43 U.S.C. 618a) for the money expended heretofore or hereafter from the Upper Colorado River Basin

Fund to meet deficiencies in generation at Hoover Dam during the filling period of storage units of the Colorado River storage project pursuant to the criteria for the filling of Glen Canyon Reservoir (27 Fed. Reg. 6851, July 19, 1962). For this purpose, \$500,000 for each year of operation of Hoover Dam and powerplant, commencing with fiscal year 1970, shall be transferred from the Colorado River Development Fund to the Upper Colorado River Basin Fund, in lieu of application of said amounts to the purposes stated in section 2(d) of the Boulder Canyon Project Adjustment Act, until such reimbursement is accomplished. To the extent that any deficiency in such reimbursement remains as of June 1, 1987, the amount of the remaining deficiency shall then be transferred to the Upper Colorado River Basin Fund from the Lower Colorado River Basin Development Fund, as provided in subsection (g) of section 403.

62 Stat. 284.
43 USC 618a.

TITLE VI—GENERAL PROVISIONS: DEFINITIONS: CONDITIONS

SEC. 601. (a) Nothing in this Act shall be construed to alter, amend, repeal, modify, or be in conflict with the provisions of the Colorado River Compact (45 Stat. 1057), the Upper Colorado River Basin Compact (63 Stat. 31), the Water Treaty of 1944 with the United Mexican States (Treaty Series 994; 59 Stat. 1219), the decree entered by the Supreme Court of the United States in Arizona against California and others (376 U.S. 340), or, except as otherwise provided herein, the Boulder Canyon Project Act (45 Stat. 1057), the Boulder Canyon Project Adjustment Act (54 Stat. 774; 43 U.S.C. 618a) or the Colorado River Storage Project Act (70 Stat. 105; 43 U.S.C. 620).

43 USC 617t.

(b) The Secretary is directed to—

Reports to the
President, Con-
gress, etc.

(1) make reports as to the annual consumptive uses and losses of water from the Colorado River system after each successive five-year period, beginning with the five-year period starting on October 1, 1970. Such reports shall include a detailed breakdown of the beneficial consumptive use of water on a State-by-State basis. Specific figures on quantities consumptively used from the major tributary streams flowing into the Colorado River shall also be included on a State-by-State basis. Such reports shall be prepared in consultation with the States of the lower basin individually and with the Upper Colorado River Commission, and shall be transmitted to the President, the Congress, and to the Governors of each State signatory to the Colorado River Compact; and

(2) condition all contracts for the delivery of water originating in the drainage basin of the Colorado River system upon the availability of water under the Colorado River Compact.

(c) All Federal officers and agencies are directed to comply with the applicable provisions of this Act, and of the laws, treaty, compacts, and decree referred to in subsection (a) of this section, in the storage and release of water from all reservoirs and in the operation and maintenance of all facilities in the Colorado River system under the jurisdiction and supervision of the Secretary, and in the operation and maintenance of all works which may be authorized hereafter for the augmentation of the water supply of the Colorado River system. In the event of failure of any such officer or agency to so comply, any affected State may maintain an action to enforce the provisions of this section in the Supreme Court of the United States and consent is given to the joinder of the United States as a party in such suit or suits, as a defendant or otherwise.

Federal offi-
cers and agen-
cies, compliance.

SEC. 602. (a) In order to comply with and carry out the provisions of the Colorado River Compact, the Upper Colorado River Basin Compact, and the Mexican Water Treaty, the Secretary shall propose criteria for the coordinated long-range operation of the reservoirs constructed and operated under the authority of the Colorado River Storage Project Act, the Boulder Canyon Project Act, and the Boulder Canyon Project Adjustment Act. To effect in part the purposes expressed in this paragraph, the criteria shall make provision for the storage of water in storage units of the Colorado River storage project and releases of water from Lake Powell in the following listed order of priority:

(1) releases to supply one-half the deficiency described in article III(c) of the Colorado River Compact, if any such deficiency exists and is chargeable to the States of the Upper Division, but in any event such releases, if any, shall not be required in any year that the Secretary makes the determination and issues the proclamation specified in section 202 of this Act;

(2) releases to comply with article III(d) of the Colorado River Compact, less such quantities of water delivered into the Colorado River below Lee Ferry to the credit of the States of the Upper Division from other sources; and

(3) storage of water not required for the releases specified in clauses (1) and (2) of this subsection to the extent that the Secretary, after consultation with the Upper Colorado River Commission and representatives of the three Lower Division States and taking into consideration all relevant factors (including, but not limited to, historic stream-flows, the most critical period of record, and probabilities of water supply), shall find this to be reasonably necessary to assure deliveries under clauses (1) and (2) without impairment of annual consumptive uses in the upper basin pursuant to the Colorado River Compact: *Provided*, That water not so required to be stored shall be released from Lake Powell: (i) to the extent it can be reasonably applied in the States of the Lower Division to the uses specified in article III(e) of the Colorado River Compact, but no such releases shall be made when the active storage in Lake Powell is less than the active storage in Lake Mead, (ii) to maintain, as nearly as practicable, active storage in Lake Mead equal to the active storage in Lake Powell, and (iii) to avoid anticipated spills from Lake Powell.

(b) Not later than January 1, 1970, the criteria proposed in accordance with the foregoing subsection (a) of this section shall be submitted to the Governors of the seven Colorado River Basin States and to such other parties and agencies as the Secretary may deem appropriate for their review and comment. After receipt of comments on the proposed criteria, but not later than July 1, 1970, the Secretary shall adopt appropriate criteria in accordance with this section and publish the same in the Federal Register. Beginning January 1, 1972, and yearly thereafter, the Secretary shall transmit to the Congress and to the Governors of the Colorado River Basin States a report describing the actual operation under the adopted criteria for the preceding compact water year and the projected operation for the current year. As a result of actual operating experience or unforeseen circumstances, the Secretary may thereafter modify the criteria to better achieve the purposes specified in subsection (a) of this section, but only after correspondence with the Governors of the seven Colorado River Basin States and appropriate consultation with such State representatives as each Governor may designate.

(c) Section 7 of the Colorado River Storage Project Act shall be administered in accordance with the foregoing criteria.

63 Stat. 31;
59 Stat. 1219.

70 Stat. 105;
45 Stat. 1057;
54 Stat. 779.
43 USC 620,
617t, 618o.

Criteria,
review and
comment.

Publication
in Federal
Register.

Report to
Congress,
etc.

SEC. 603. (a) Rights of the upper basin to the consumptive use of water available to that basin from the Colorado River system under the Colorado River Compact shall not be reduced or prejudiced by any use of such water in the lower basin.

(b) Nothing in this Act shall be construed so as to impair, conflict with, or otherwise change the duties and powers of the Upper Colorado River Commission.

SEC. 604. Except as otherwise provided in this Act, in constructing, operating, and maintaining the units of the projects herein and hereafter authorized, the Secretary shall be governed by the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) to which laws this Act shall be deemed a supplement.

43 USC 371
note.

SEC. 605. Part I of the Federal Power Act (41 Stat. 1063; 16 U.S.C. 791a-823) shall not be applicable to the reaches of the main stream of the Colorado River between Hoover Dam and Glen Canyon Dam until and unless otherwise provided by Congress.

SEC. 606. As used in this Act, (a) all terms which are defined in the Colorado River Compact shall have the meanings therein defined;

Definitions.

(b) "Main stream" means the main stream of the Colorado River downstream from Lee Ferry within the United States, including the reservoirs thereon;

(c) "User" or "water user" in relation to main stream water in the lower basin means the United States or any person or legal entity entitled under the decree of the Supreme Court of the United States in Arizona against California, and others (376 U.S. 340), to use main stream water when available thereunder;

(d) "Active storage" means that amount of water in reservoir storage, exclusive of bank storage, which can be released through the existing reservoir outlet works;

(e) "Colorado River Basin States" means the States of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming;

(f) "Western United States" means those States lying wholly or in part west of the Continental Divide; and

(g) "Augment" or "augmentation", when used herein with reference to water, means to increase the supply of the Colorado River or its tributaries by the introduction of water into the Colorado River system, which is in addition to the natural supply of the system.

Approved September 30, 1968.

Public Law 90-538

AN ACT

To authorize preschool and early education programs for handicapped children.

September 30, 1968
[H.R. 18763]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Handicapped Children's Early Education Assistance Act".

Handicapped
Children's Early
Education Assist-
ance Act.

PROGRAM AUTHORIZED

SEC. 2. (a) The Commissioner of Education (hereafter in this title referred to as the "Commissioner") is authorized to arrange by contract, grant, or otherwise with appropriate public agencies and private nonprofit organizations, for the development and carrying out by such agencies and organizations of experimental preschool and early education programs for handicapped children which the Commissioner determines show promise of promoting a comprehensive and strength-

ened approach to the special problems of such children. Such programs shall be distributed to the greatest extent possible throughout the Nation, and shall be carried out both in urban and in rural areas. Such programs shall include activities and services designed to (1) facilitate the intellectual, emotional, physical, mental, social, and language development of such children; (2) encourage the participation of the parents of such children in the development and operation of any such program; and (3) acquaint the community to be served by any such program with the problems and potentialities of such children.

(b) Each arrangement for developing or carrying out a program authorized by this section shall provide for the effective coordination of each such program with similar programs in the schools of the community to be served by such a program.

Federal share.

(c) No arrangement pursuant to this Act shall provide for the payment of more than 90 per centum of the cost of developing, carrying out, or evaluating such a program. Non-Federal contributions may be in cash or in kind, fairly evaluated, including, but not limited to, plant, equipment, and services.

EVALUATION

SEC. 3. The Commissioner shall conduct either directly or by contract with independent organizations a thorough and continuing evaluation of the effectiveness of each program assisted under this Act.

DEFINITION OF HANDICAPPED CHILDREN

SEC. 4. As used in this Act, the term "handicapped children" means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health-impaired children who by reason thereof require special education and related services.

APPROPRIATIONS AUTHORIZED

SEC. 5. There is authorized to be appropriated for the purpose of this Act \$1,000,000 for the fiscal year ending June 30, 1969, \$10,000,000 for the fiscal year ending June 30, 1970, and \$12,000,000 for the fiscal year ending June 30, 1971.

Approved September 30, 1968.

Public Law 90-539

September 30, 1968
[H.R. 18786]

AN ACT

To amend the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, and for other purposes.

Central Intelligence Retirement Act of 1964, amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 291 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (78 Stat. 1043; 50 U.S.C. 403 note) is amended to read as follows:

"SEC. 291. (a) On the basis of determinations made by the Director pertaining to per centum change in the Price Index, the following adjustments shall be made:

"(1) Each annuity payable from the fund on January 1, 1967, shall

be increased on that date by (a) 12.4 per centum for annuities which commence on or before January 1, 1966, or (b) 4.9 per centum for annuities which commence on or between January 2, 1966, and January 1, 1967.

“(2) Each month beginning with November 1966, the Director shall determine the per centum change in the price index. Effective the first day of the third month which begins after the price index shall have equaled a rise of at least 3 per centum for three consecutive months over the price index for the base month, each annuity payable from the fund which has a commencing date not later than such effective date shall be increased by the per centum rise in the price index (calculated on the highest level of the price index during the three consecutive months) adjusted to the nearest one-tenth of 1 per centum.

“(b) Eligibility for an annuity increase under this section shall be governed by the commencing date of each annuity payable from the fund as of the effective date of an increase, except as follows:

“(1) Effective from its commencing date, an annuity payable from the fund to an annuitant's survivor (other than a child entitled under section 221(c)), which annuity commences the day after annuitant's death and after January 1, 1967, shall be increased by the total per centum increase the annuitant was receiving under this section at death; or if death occurred between January 1, 1967, and date of enactment, the per centum increase the annuitant would have received.

“(2) Effective from its commencing date, an annuity payable from the fund to a child under section 221(c), which annuity commences the day after annuitant's death and after January 1, 1967, shall be increased by (a) 2 per centum if the annuity from which it is derived commenced on or before January 1, 1966, or (b) 1 per centum if the annuity from which it is derived commenced on or between January 2, 1966, and January 1, 1967.

“(3) For the purposes of computing an annuity which commences after January 1, 1967, to a child under section 221(c), the items \$600, \$720, \$1,800, and \$2,160 appearing in section 221(c) shall be increased by 10.2 per centum plus the total per centum increase allowed and in force under section 291(a)(2) for employee annuities, and, in the case of a deceased annuitant, the items 40 per centum and 50 per centum appearing in section 221(c) shall be increased by the total per centum increase allowed and in force under this section to the annuitant at death; or if death occurred between January 1, 1967, and date of enactment, the per centum increase the annuitant would have received.

“(c) Any annuity increased under this section shall be decreased by the amount of increase in force and effect with respect to that annuity under section 291 prior to the date of enactment of this subsection.

“(d) The term ‘price index’ shall mean the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics. The term ‘base month’ shall mean the month of October 1966 for the first increase under section 291(a)(2) and thereafter the month for which the price index showed a per centum rise forming the basis for a cost-of-living annuity increase.

“(e) No increase in annuity provided by this section shall be computed on any additional annuity purchased at retirement by voluntary contributions.

“(f) The monthly installment of annuity after adjustment under this section shall be fixed at the nearest dollar, except that such installment shall, after adjustment, reflect an increase of at least \$1.”

Approved September 30, 1968.

“Price index.”

“Base month.”

Public Law 90-540

AN ACT

To establish the Flaming Gorge National Recreation Area in the States of Utah and Wyoming, and for other purposes.

October 1, 1968
[S. 444]

Flaming Gorge
National Recreation Area.
Establishment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to provide, in furtherance of the purposes of the Colorado River storage project, for the public outdoor recreation use and enjoyment of the Flaming Gorge Reservoir and surrounding lands in the States of Utah and Wyoming and the conservation of scenic, scientific, historic, and other values contributing to public enjoyment of such lands and waters, there is hereby established, subject to valid existing rights, the Flaming Gorge National Recreation Area in the States of Utah and Wyoming (hereinafter referred to as the "recreation area"). The boundaries of the recreation area shall be those shown on the map entitled "Proposed Flaming Gorge National Recreation Area," which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture.

Administration
by Secretary of
Agriculture.

SEC. 2. The administration, protection, and development of the recreation area shall be by the Secretary of Agriculture (hereinafter called the "Secretary") in accordance with the laws, rules, and regulations applicable to national forests, in a manner coordinated with the other purposes of the Colorado River storage project, and in such manner as in his judgment will best provide for (1) public outdoor recreation benefits; (2) conservation of scenic, scientific, historic, and other values contributing to public enjoyment; and (3) such management, utilization, and disposal of natural resources as in his judgment will promote or are compatible with, and do not significantly impair the purposes for which the recreation area is established: *Provided*, That lands or waters needed or used for the operation of the Colorado River storage project shall continue to be administered by the Secretary of the Interior to the extent he determines to be required for such operation.

Exception.

Boundaries,
publication in
Federal Register.

SEC. 3. Within six months after the effective date of this Act, the Secretary shall publish in the Federal Register a detailed description of the boundaries of the recreation area. Following such publication, the Secretary may make minor adjustments in the boundary of the recreation area by publication of the amended description thereof in the Federal Register: *Provided*, That the total acreage of the recreation area within the adjusted boundary does not exceed the acreage of the recreation area as shown on the map referred to in section 1 hereof.

Hunting, fishing,
and trapping.

SEC. 4. The Secretary shall permit hunting, fishing, and trapping on the lands and waters under his jurisdiction within the recreation area in accordance with the applicable Federal and State laws: *Provided*, That the Secretary, after consultation with the respective State fish and game commissions, may issue regulations designating zones where and establishing periods when no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, or public use and enjoyment. Nothing in this Act shall affect the jurisdiction or responsibilities of the States of Utah and Wyoming under other provisions of State laws with respect to hunting and fishing.

Lands with-
drawn from
location, etc.

SEC. 5. The lands within the recreation area, subject to valid existing rights, are hereby withdrawn from location, entry, and patent under

the United States mining laws. The Secretary of the Interior, under such regulations as he deems appropriate, may permit the removal of the nonleasable minerals from lands or interests in lands within the recreation area in the manner prescribed by section 10 of the Act of August 4, 1939, as amended (53 Stat. 1196; 43 U.S.C. 387), and he may permit the removal of leasable minerals from lands or interests in lands within the recreation area in accordance with the Mineral Leasing Act of February 24, 1920, as amended (30 U.S.C. 181 et seq.), or the Acquired Lands Mineral Leasing Act of August 7, 1947 (30 U.S.C. 351 et seq.), if he finds that such disposition would not have significant adverse effects on the purposes of the Colorado River storage project and the Secretary of Agriculture finds that such disposition would not have significant adverse effects on the purposes of the recreation area: *Provided*, That any lease or permit respecting such minerals in the recreation area shall be issued only with the consent of the Secretary of Agriculture and subject to such conditions as he may prescribe.

Minerals,
removal.

64 Stat. 463.

41 Stat. 437.

61 Stat. 913.

All receipts derived from permits and leases issued under the authority of this section for removal of nonleasable minerals shall be paid into the same funds or accounts in the Treasury of the United States and shall be distributed in the same manner as provided for receipts from national forests. Any receipts derived from permits or leases issued on lands in the recreation area under the Mineral Leasing Act of February 25, 1920, as amended, or the Act of August 7, 1947, shall be disposed of as provided in the applicable Act.

Receipts,
disposition.

SEC. 6. The boundaries of the Ashley National Forest are hereby extended to include all of the lands not presently within such boundaries lying within the recreation area as described in accordance with sections 1 and 3 of this Act.

Ashley
National
Forest, bound-
aries extended.

SEC. 7. Subject to any valid claim or entry now existing and hereafter legally maintained, all public lands of the United States and all lands of the United States heretofore or hereafter acquired or reserved for use in connection with the Colorado River storage project within the exterior boundaries of the recreation area which have not heretofore been added to and made a part of the Ashley National Forest, and all lands of the United States acquired for the purpose of the recreation area, are hereby added to and made a part of the Ashley National Forest: *Provided*, That lands within the flow lines of any reservoir operated and maintained by the Department of the Interior or otherwise needed or used for the operation of the Colorado River storage project shall continue to be administered by the Secretary of the Interior to the extent he determines to be required for such operation.

SEC. 8. Funds hereafter appropriated and available for the acquisition of lands and waters and interests therein in the national forest system pursuant to section 6 of the Act of September 3, 1964 (78 Stat. 897, 903), shall be available for the acquisition of any lands, waters, and interests therein within the boundaries of the recreation area.

Availability
of certain
funds.

16 USC 4601-9.

SEC. 9. Nothing in this Act shall deprive any State or political subdivision thereof of its right to exercise civil and criminal jurisdiction within the recreation area consistent with the provisions of this Act, or of its right to tax persons, corporations, franchises, or other non-Federal property, including mineral or other interests, in or on lands or waters within the recreation area.

State and local
jurisdiction.

Approved October 1, 1968.

Public Law 90-541

JOINT RESOLUTION

October 1, 1968
[H. J. Res. 1461]

Making continuing appropriations for the fiscal year 1969, and for other purposes.

Continuing ap-
propriations,
1969.
Ante, p. 475.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 102 of the joint resolution of June 29, 1968 (Public Law 90-366), is hereby further amended by striking out "September 30, 1968" and inserting in lieu thereof "October 12, 1968".

Approved October 1, 1968.

Public Law 90-542

AN ACT

October 2, 1968
[S. 119]

To provide for a National Wild and Scenic Rivers System, and for other purposes.

Wild and Scenic
Rivers Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Wild and Scenic Rivers Act".

(b) It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. The Congress declares that the established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes.

(c) The purpose of this Act is to implement this policy by instituting a national wild and scenic rivers system, by designating the initial components of that system, and by prescribing the methods by which and standards according to which additional components may be added to the system from time to time.

National wild
and scenic rivers
system.

SEC. 2. (a) The national wild and scenic rivers system shall comprise rivers (i) that are authorized for inclusion therein by Act of Congress, or (ii) that are designated as wild, scenic or recreational rivers by or pursuant to an act of the legislature of the State or States through which they flow, that are to be permanently administered as wild, scenic or recreational rivers by an agency or political subdivision of the State or States concerned without expense to the United States, that are found by the Secretary of the Interior, upon application of the Governor of the State or the Governors of the States concerned,

or a person or persons thereunto duly appointed by him or them, to meet the criteria established in this Act and such criteria supplementary thereto as he may prescribe, and that are approved by him for inclusion in the system, including, upon application of the Governor of the State concerned, the Allagash Wilderness Waterway, Maine, and that segment of the Wolf River, Wisconsin, which flows through Langlade County.

(b) A wild, scenic or recreational river area eligible to be included in the system is a free-flowing stream and the related adjacent land area that possesses one or more of the values referred to in section 1, subsection (b) of this Act. Every wild, scenic or recreational river in its free-flowing condition, or upon restoration to this condition, shall be considered eligible for inclusion in the national wild and scenic rivers system and, if included, shall be classified, designated, and administered as one of the following:

Eligibility for inclusion.

(1) Wild river areas—Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

(2) Scenic river areas—Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

(3) Recreational river areas—Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

SEC. 3 (a) The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

National wild and scenic rivers components.

(1) CLEARWATER, MIDDLE FORK, IDAHO.—The Middle Fork from the town of Kooskia upstream to the town of Lowell; the Lochsa River from its junction with the Selway at Lowell forming the Middle Fork, upstream to the Powell Ranger Station; and the Selway River from Lowell upstream to its origin; to be administered by the Secretary of Agriculture.

(2) ELEVEN POINT, MISSOURI.—The segment of the river extending downstream from Thomasville to State Highway 142; to be administered by the Secretary of Agriculture.

(3) FEATHER, CALIFORNIA.—The entire Middle Fork; to be administered by the Secretary of Agriculture.

(4) RIO GRANDE, NEW MEXICO.—The segment extending from the Colorado State line downstream to the State Highway 96 crossing, and the lower four miles of the Red River; to be administered by the Secretary of the Interior.

(5) ROGUE, OREGON.—The segment of the river extending from the mouth of the Applegate River downstream to the Lobster Creek Bridge; to be administered by agencies of the Departments of the In-

terior or Agriculture as agreed upon by the Secretaries of said Departments or as directed by the President.

(6) SAINT CROIX, MINNESOTA AND WISCONSIN.—The segment between the dam near Taylors Falls, Minnesota, and the dam near Gordon, Wisconsin, and its tributary, the Namekagon, from Lake Namekagon downstream to its confluence with the Saint Croix; to be administered by the Secretary of the Interior: *Provided*, That except as may be required in connection with items (a) and (b) of this paragraph, no funds available to carry out the provisions of this Act may be expended for the acquisition or development of lands in connection with, or for administration under this Act of, that portion of the Saint Croix River between the dam near Taylors Falls, Minnesota, and the upstream end of Big Island in Wisconsin, until sixty days after the date on which the Secretary has transmitted to the President of the Senate and Speaker of the House of Representatives a proposed cooperative agreement between the Northern States Power Company and the United States (a) whereby the company agrees to convey to the United States, without charge, appropriate interests in certain of its lands between the dam near Taylors Falls, Minnesota, and the upstream end of Big Island in Wisconsin, including the company's right, title, and interest to approximately one hundred acres per mile, and (b) providing for the use and development of other lands and interests in land retained by the company between said points adjacent to the river in a manner which shall complement and not be inconsistent with the purposes for which the lands and interests in land donated by the company are administered under this Act. Said agreement may also include provision for State or local governmental participation as authorized under subsection (e) of section 10 of this Act.

(7) SALMON, MIDDLE FORK, IDAHO.—From its origin to its confluence with the main Salmon River; to be administered by the Secretary of Agriculture.

(8) WOLF, WISCONSIN.—From the Langlade-Menominee County line downstream to Keshena Falls; to be administered by the Secretary of the Interior.

(b) The agency charged with the administration of each component of the national wild and scenic rivers system designated by subsection (a) of this section shall, within one year from the date of this Act, establish detailed boundaries therefor (which boundaries shall include an average of not more than three hundred and twenty acres per mile on both sides of the river); determine which of the classes outlined in section 2, subsection (b), of this Act best fit the river or its various segments; and prepare a plan for necessary developments in connection with its administration in accordance with such classification. Said boundaries, classification, and development plans shall be published in the Federal Register and shall not become effective until ninety days after they have been forwarded to the President of the Senate and the Speaker of the House of Representatives.

SEC. 4. (a) The Secretary of the Interior or, where national forest lands are involved, the Secretary of Agriculture or, in appropriate cases, the two Secretaries jointly shall study and from time to time submit to the President and the Congress proposals for the addition to the national wild and scenic rivers system of rivers which are designated herein or hereafter by the Congress as potential additions to such system; which, in his or their judgment, fall within one or more of the classes set out in section 2, subsection (b), of this Act; and which are proposed to be administered, wholly or partially, by an agency of the United States. Every such study and plan shall be coordinated with any water resources planning involving the same river which is being conducted pursuant to the Water Resources Planning Act (79 Stat. 244; 42 U.S.C. 1962 et seq.).

Each proposal shall be accompanied by a report, including maps and illustrations, showing among other things the area included within the proposal; the characteristics which make the area a worthy addition to the system; the current status of landownership and use in the area; the reasonably foreseeable potential uses of the land and water which would be enhanced, foreclosed, or curtailed if the area were included in the national wild and scenic rivers system; the Federal agency (which in the case of a river which is wholly or substantially within a national forest, shall be the Department of Agriculture) by which it is proposed the area be administered; the extent to which it is proposed that administration, including the costs thereof, be shared by State and local agencies; and the estimated cost to the United States of acquiring necessary lands and interests in land and of administering the area as a component of the system. Each such report shall be printed as a Senate or House document.

Report, maps,
etc.

Printing as
Senate or House
document.

(b) Before submitting any such report to the President and the Congress, copies of the proposed report shall, unless it was prepared jointly by the Secretary of the Interior and the Secretary of Agriculture, be submitted by the Secretary of the Interior to the Secretary of Agriculture or by the Secretary of Agriculture to the Secretary of the Interior, as the case may be, and to the Secretary of the Army, the Chairman of the Federal Power Commission, the head of any other affected Federal department or agency and, unless the lands proposed to be included in the area are already owned by the United States or have already been authorized for acquisition by Act of Congress, the Governor of the State or States in which they are located or an officer designated by the Governor to receive the same. Any recommendations or comments on the proposal which the said officials furnish the Secretary or Secretaries who prepared the report within ninety days of the date on which the report is submitted to them, together with the Secretary's or Secretaries' comments thereon, shall be included with the transmittal to the President and the Congress. No river or portion of any river shall be added to the national wild and scenic rivers system subsequent to enactment of this Act until the close of the next full session of the State legislature, or legislatures in case more than one

State is involved, which begins following the submission of any recommendation to the President with respect to such addition as herein provided.

(c) Before approving or disapproving for inclusion in the national wild and scenic rivers system any river designated as a wild, scenic or recreational river by or pursuant to an act of a State legislature, the Secretary of the Interior shall submit the proposal to the Secretary of Agriculture, the Secretary of the Army, the Chairman of the Federal Power Commission, and the head of any other affected Federal department or agency and shall evaluate and give due weight to any recommendations or comments which the said officials furnish him within ninety days of the date on which it is submitted to them. If he approves the proposed inclusion, he shall publish notice thereof in the Federal Register.

Publication in
Federal Register.

Potential addi-
tions, designa-
tion.

SEC. 5. (a) The following rivers are hereby designated for potential addition to the national wild and scenic rivers system:

(1) Allegheny, Pennsylvania: The segment from its mouth to the town of East Brady, Pennsylvania.

(2) Bruneau, Idaho: The entire main stem.

(3) Buffalo, Tennessee: The entire river.

(4) Chattooga, North Carolina, South Carolina, and Georgia: The entire river.

(5) Clarion, Pennsylvania: The segment between Ridgway and its confluence with the Allegheny River.

(6) Delaware, Pennsylvania and New York: The segment from Hancock, New York, to Matamoras, Pennsylvania.

(7) Flathead, Montana: The North Fork from the Canadian border downstream to its confluence with the Middle Fork; the Middle Fork from its headwaters to its confluence with the South Fork; and the South Fork from its origin to Hungry Horse Reservoir.

(8) Gasconade, Missouri: The entire river.

(9) Illinois, Oregon: The entire river.

(10) Little Beaver, Ohio: The segment of the North and Middle Forks of the Little Beaver River in Columbiana County from a point in the vicinity of Negly and Elkton, Ohio, downstream to a point in the vicinity of East Liverpool, Ohio.

(11) Little Miami, Ohio: That segment of the main stem of the river, exclusive of its tributaries, from a point at the Warren-Clermont County line at Loveland, Ohio, upstream to the sources of Little Miami including North Fork.

(12) Maumee, Ohio and Indiana: The main stem from Perrysburg, Ohio, to Fort Wayne, Indiana, exclusive of its tributaries in Ohio and inclusive of its tributaries in Indiana.

(13) Missouri, Montana: The segment between Fort Benton and Ryan Island.

(14) Moyie, Idaho: The segment from the Canadian border to its confluence with the Kootenai River.

(15) Obed, Tennessee: The entire river and its tributaries, Clear Creek and Daddys Creek.

(16) Penobscot, Maine: Its east and west branches.

(17) Pere Marquette, Michigan: The entire river.

(18) Pine Creek, Pennsylvania: The segment from Ansonia to Waterville.

(19) Priest, Idaho: The entire main stem.

(20) Rio Grande, Texas: The portion of the river between the west boundary of Hudspeth County and the east boundary of Terrell County on the United States side of the river: *Provided*, That before undertaking any study of this potential scenic river, the Secretary of the Interior shall determine, through the channels of appropriate

executive agencies, that Mexico has no objection to its being included among the studies authorized by this Act.

(21) Saint Croix, Minnesota and Wisconsin: The segment between the dam near Taylors Falls and its confluence with the Mississippi River.

(22) Saint Joe, Idaho: The entire main stem.

(23) Salmon, Idaho: The segment from the town of North Fork to its confluence with the Snake River.

(24) Skagit, Washington: The segment from the town of Mount Vernon to and including the mouth of Bacon Creek; the Cascade River between its mouth and the junction of its North and South Forks; the South Fork to the boundary of the Glacier Peak Wilderness Area; the Suiattle River from its mouth to the Glacier Peak Wilderness Area boundary at Milk Creek; the Sauk River from its mouth to its junction with Elliott Creek; the North Fork of the Sauk River from its junction with the South Fork of the Sauk to the Glacier Peak Wilderness Area boundary.

(25) Suwannee, Georgia and Florida: The entire river from its source in the Okefenokee Swamp in Georgia to the gulf and the outlying Ichetucknee Springs, Florida.

(26) Upper Iowa, Iowa: The entire river.

(27) Youghiogheny, Maryland and Pennsylvania: The segment from Oakland, Maryland, to the Youghiogheny Reservoir, and from the Youghiogheny Dam downstream to the town of Connellsville, Pennsylvania.

(b) The Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture shall proceed as expeditiously as possible to study each of the rivers named in subsection (a) of this section in order to determine whether it should be included in the national wild and scenic rivers system. Such studies shall be completed and reports made thereon to the President and the Congress, as provided in section 4 of this Act, within ten years from the date of this Act: *Provided, however*, That with respect to the Suwannee River, Georgia and Florida, and the Upper Iowa River, Iowa, such study shall be completed and reports made thereon to the President and the Congress, as provided in section 4 of this Act, within two years from the date of enactment of this Act. In conducting these studies the Secretary of the Interior and the Secretary of Agriculture shall give priority to those rivers with respect to which there is the greatest likelihood of developments which, if undertaken, would render them unsuitable for inclusion in the national wild and scenic rivers system.

Studies.

(c) The study of any of said rivers shall be pursued in as close cooperation with appropriate agencies of the affected State and its political subdivisions as possible, shall be carried on jointly with such agencies if request for such joint study is made by the State, and shall include a determination of the degree to which the State or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion in the national wild and scenic rivers system.

(d) In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential national wild, scenic and recreational river areas, and all river basin and project plan reports submitted to the Congress shall consider and discuss any such potentials. The Secretary of the Interior and the Secretary of Agriculture shall make specific studies and investigations to determine which additional wild, scenic and recreational river areas within the United States shall be evaluated in planning reports by all Federal agencies as potential alternative uses of the water and related land resources involved.

Land acquisition.

SEC. 6. (a) The Secretary of the Interior and the Secretary of Agriculture are each authorized to acquire lands and interests in land within the authorized boundaries of any component of the national wild and scenic rivers system designated in section 3 of this Act, or hereafter designated for inclusion in the system by Act of Congress, which is administered by him, but he shall not acquire fee title to an average of more than 100 acres per mile on both sides of the river. Lands owned by a State may be acquired only by donation, and lands owned by an Indian tribe or a political subdivision of a State may not be acquired without the consent of the appropriate governing body thereof as long as the Indian tribe or political subdivision is following a plan for management and protection of the lands which the Secretary finds protects the land and assures its use for purposes consistent with this Act. Money appropriated for Federal purposes from the land and water conservation fund shall, without prejudice to the use of appropriations from other sources, be available to Federal departments and agencies for the acquisition of property for the purposes of this Act.

(b) If 50 per centum or more of the entire acreage within a federally administered wild, scenic or recreational river area is owned by the United States, by the State or States within which it lies, or by political subdivisions of those States, neither Secretary shall acquire fee title to any lands by condemnation under authority of this Act. Nothing contained in this section, however, shall preclude the use of condemnation when necessary to clear title or to acquire scenic easements or such other easements as are reasonably necessary to give the public access to the river and to permit its members to traverse the length of the area or of selected segments thereof.

(c) Neither the Secretary of the Interior nor the Secretary of Agriculture may acquire lands by condemnation, for the purpose of including such lands in any national wild, scenic or recreational river area, if such lands are located within any incorporated city, village, or borough which has in force and applicable to such lands a duly adopted, valid zoning ordinance that conforms with the purposes of this Act. In order to carry out the provisions of this subsection the appropriate Secretary shall issue guidelines, specifying standards for local zoning ordinances, which are consistent with the purposes of this Act. The standards specified in such guidelines shall have the object of (A) prohibiting new commercial or industrial uses other than commercial or industrial uses which are consistent with the purposes of this Act, and (B) the protection of the bank lands by means of acreage, frontage, and setback requirements on development.

(d) The appropriate Secretary is authorized to accept title to non-Federal property within the authorized boundaries of any federally administered component of the national wild and scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress and, in exchange therefor, convey to the grantor any federally owned property which is under his jurisdiction within the State in which the component lies and which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal or, if they are not approximately equal, shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(e) The head of any Federal department or agency having administrative jurisdiction over any lands or interests in land within the authorized boundaries of any federally administered component of the national wild and scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress is authorized to transfer to the appropriate secretary jurisdic-

tion over such lands for administration in accordance with the provisions of this Act. Lands acquired by or transferred to the Secretary of Agriculture for the purposes of this Act within or adjacent to a national forest shall upon such acquisition or transfer become national forest lands.

(f) The appropriate Secretary is authorized to accept donations of lands and interests in land, funds, and other property for use in connection with his administration of the national wild and scenic rivers system.

(g) (1) Any owner or owners (hereinafter in this subsection referred to as "owner") of improved property on the date of its acquisition, may retain for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term not to exceed twenty-five years or, in lieu thereof, for a term ending at the death of the owner, or the death of his spouse, or the death of either or both of them. The owner shall elect the term to be reserved. The appropriate Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

(2) A right of use and occupancy retained pursuant to this subsection shall be subject to termination whenever the appropriate Secretary is given reasonable cause to find that such use and occupancy is being exercised in a manner which conflicts with the purposes of this Act. In the event of such a finding, the Secretary shall tender to the holder of that right an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination. Such right of use or occupancy shall terminate by operation of law upon tender of the fair market price.

(3) The term "improved property", as used in this Act, means a detached, one-family dwelling (hereinafter referred to as "dwelling"), the construction of which was begun before January 1, 1967, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the appropriate Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

Right of use and occupancy.

"Improved property."

SEC. 7. (a) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), on or directly affecting any river which is designated in section 3 of this Act as a component of the national wild and scenic rivers system or which is hereafter designated for inclusion in that system, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a wild, scenic or recreational river area or on any stream tributary thereto which will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area on the date of approval of this Act. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration, or request appropriations to begin

Water resources projects, restrictions.

construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior or the Secretary of Agriculture, as the case may be, in writing of its intention so to do at least sixty days in advance, and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the component and the values to be protected by it under this Act.

(b) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act, as amended, on or directly affecting any river which is listed in section 5, subsection (a), of this Act, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river might be designated, as determined by the Secretary responsible for its study or approval—

(i) during the five-year period following enactment of this Act unless, prior to the expiration of said period, the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, on the basis of study, conclude that such river should not be included in the national wild and scenic rivers system and publish notice to that effect in the Federal Register, and

(ii) during such additional period thereafter as, in the case of any river which is recommended to the President and the Congress for inclusion in the national wild and scenic rivers system, is necessary for congressional consideration thereof or, in the case of any river recommended to the Secretary of the Interior for inclusion in the national wild and scenic rivers system under section 2(a)(ii) of this Act, is necessary for the Secretary's consideration thereof, which additional period, however, shall not exceed three years in the first case and one year in the second.

Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a potential wild, scenic or recreational river area or on any stream tributary thereto which will not invade the area or diminish the scenic, recreational, and fish and wildlife values present in the potential wild, scenic or recreational river area on the date of approval of this Act. No department or agency of the United States shall, during the periods hereinbefore specified, recommend authorization of any water resources project on any such river or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture in writing of its intention so to do at least sixty days in advance of doing so and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the component and the values to be protected by it under this Act.

(c) The Federal Power Commission and all other Federal agencies shall, promptly upon enactment of this Act, inform the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, of any proceedings, studies, or other activities within their jurisdiction which are now in progress and which affect or may affect any of the rivers specified in section 5, subsection (a), of this Act. They shall likewise inform him of any such proceedings, studies, or other activities which are hereafter commenced or resumed before they are commenced or resumed.

49 Stat. 863.
16 USC 791a.

Publication in
Federal Register.

(d) Nothing in this section with respect to the making of a loan or grant shall apply to grants made under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 4601-5 et seq.).

SEC. 8. (a) All public lands within the authorized boundaries of any component of the national wild and scenic rivers system which is designated in section 3 of this Act or which is hereafter designated for inclusion in that system are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States.

(b) All public lands which constitute the bed or bank, or are within one-quarter mile of the bank, of any river which is listed in section 5, subsection (a), of this Act are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States for the periods specified in section 7, subsection (b), of this Act.

SEC. 9. (a) Nothing in this Act shall affect the applicability of the United States mining and mineral leasing laws within components of the national wild and scenic rivers system except that—

Mining and
mineral leasing
laws.

(i) all prospecting, mining operations, and other activities on mining claims which, in the case of a component of the system designated in section 3 of this Act, have not heretofore been perfected or which, in the case of a component hereafter designated pursuant to this Act or any other Act of Congress, are not perfected before its inclusion in the system and all mining operations and other activities under a mineral lease, license, or permit issued or renewed after inclusion of a component in the system shall be subject to such regulations as the Secretary of the Interior or, in the case of national forest lands, the Secretary of Agriculture may prescribe to effectuate the purposes of this Act;

(ii) subject to valid existing rights, the perfection of, or issuance of a patent to, any mining claim affecting lands within the system shall confer or convey a right or title only to the mineral deposits and such rights only to the use of the surface and the surface resources as are reasonably required to carrying on prospecting or mining operations and are consistent with such regulations as may be prescribed by the Secretary of the Interior or, in the case of national forest lands, by the Secretary of Agriculture; and

(iii) subject to valid existing rights, the minerals in Federal lands which are part of the system and constitute the bed or bank or are situated within one-quarter mile of the bank of any river designated a wild river under this Act or any subsequent Act are hereby withdrawn from all forms of appropriation under the mining laws and from operation of the mineral leasing laws including, in both cases, amendments thereto.

Regulations issued pursuant to paragraphs (i) and (ii) of this subsection shall, among other things, provide safeguards against pollution of the river involved and unnecessary impairment of the scenery within the component in question.

(b) The minerals in any Federal lands which constitute the bed or bank or are situated within one-quarter mile of the bank of any river which is listed in section 5, subsection (a) of this Act are hereby withdrawn from all forms of appropriation under the mining laws during the periods specified in section 7, subsection (b) of this Act. Nothing contained in this subsection shall be construed to forbid prospecting or the issuance or leases, licenses, and permits under the mineral leasing laws subject to such conditions as the Secretary of the Interior and, in the case of national forest lands, the Secretary of Agriculture find appropriate to safeguard the area in the event it is subsequently included in the system.

Administration.

SEC. 10. (a) Each component of the national wild and scenic rivers system shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of these values. In such administration primary emphasis shall be given to protecting its esthetic, scenic, historic, archeologic, and scientific features. Management plans for any such component may establish varying degrees of intensity for its protection and development, based on the special attributes of the area.

(b) Any portion of a component of the national wild and scenic rivers system that is within the national wilderness preservation system, as established by or pursuant to the Act of September 3, 1964 (78 Stat. 890; 16 U.S.C., ch. 23), shall be subject to the provisions of both the Wilderness Act and this Act with respect to preservation of such river and its immediate environment, and in case of conflict between the provisions of these Acts the more restrictive provisions shall apply.

(c) Any component of the national wild and scenic rivers system that is administered by the Secretary of the Interior through the National Park Service shall become a part of the national park system, and any such component that is administered by the Secretary through the Fish and Wildlife Service shall become a part of the national wildlife refuge system. The lands involved shall be subject to the provisions of this Act and the Acts under which the national park system or national wildlife system, as the case may be, is administered, and in case of conflict between the provisions of these Acts, the more restrictive provisions shall apply. The Secretary of the Interior, in his administration of any component of the national wild and scenic rivers system, may utilize such general statutory authorities relating to areas of the national park system and such general statutory authorities otherwise available to him for recreation and preservation purposes and for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this Act.

(d) The Secretary of Agriculture, in his administration of any component of the national wild and scenic rivers system area, may utilize the general statutory authorities relating to the national forests in such manner as he deems appropriate to carry out the purposes of this Act.

(e) The Federal agency charged with the administration of any component of the national wild and scenic rivers system may enter into written cooperative agreements with the Governor of a State, the head of any State agency, or the appropriate official of a political subdivision of a State for State or local governmental participation in the administration of the component. The States and their political subdivisions shall be encouraged to cooperate in the planning and administration of components of the system which include or adjoin State- or county-owned lands.

SEC. 11. (a) The Secretary of the Interior shall encourage and assist the States to consider, in formulating and carrying out their comprehensive statewide outdoor recreation plans and proposals for financing assistance for State and local projects submitted pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), needs and opportunities for establishing State and local wild, scenic and recreational river areas. He shall also, in accordance with the authority contained in the Act of May 28, 1963 (77 Stat. 49), provide technical assistance and advice to, and cooperate with, States, political subdivisions, and private interests, including nonprofit organizations, with respect to establishing such wild, scenic and recreational river areas.

16 USC 1131
note.

State or local
governments, co-
operative agree-
ments.

State and local
projects, financial
assistance.

16 USC 460l-4
note.

16 USC 460l-
460l-3.

(b) The Secretaries of Agriculture and of Health, Education, and Welfare shall likewise, in accordance with the authority vested in them, assist, advise, and cooperate with State and local agencies and private interests with respect to establishing such wild, scenic and recreational river areas.

SEC. 12. (a) The Secretary of the Interior, the Secretary of Agriculture, and heads of other Federal agencies shall review administrative and management policies, regulations, contracts, and plans affecting lands under their respective jurisdictions which include, border upon, or are adjacent to the rivers listed in subsection (a) of section 5 of this Act in order to determine what actions should be taken to protect such rivers during the period they are being considered for potential addition to the national wild and scenic rivers system. Particular attention shall be given to scheduled timber harvesting, road construction, and similar activities which might be contrary to the purposes of this Act.

Administration
and management
policies, review.

(b) Nothing in this section shall be construed to abrogate any existing rights, privileges, or contracts affecting Federal lands held by any private party without the consent of said party.

(c) The head of any agency administering a component of the national wild and scenic rivers system shall cooperate with the Secretary of the Interior and with the appropriate State water pollution control agencies for the purpose of eliminating or diminishing the pollution of waters of the river.

SEC. 13. (a) Nothing in this Act shall affect the jurisdiction or responsibilities of the States with respect to fish and wildlife. Hunting and fishing shall be permitted on lands and waters administered as parts of the system under applicable State and Federal laws and regulations unless, in the case of hunting, those lands or waters are within a national park or monument. The administering Secretary may, however, designate zones where, and establish periods when, no hunting is permitted for reasons of public safety, administration, or public use and enjoyment and shall issue appropriate regulations after consultation with the wildlife agency of the State or States affected.

Fish and wild-
life, jurisdiction.

(b) The jurisdiction of the States and the United States over waters of any stream included in a national wild, scenic or recreational river area shall be determined by established principles of law. Under the provisions of this Act, any taking by the United States of a water right which is vested under either State or Federal law at the time such river is included in the national wild and scenic rivers system shall entitle the owner thereof to just compensation. Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

Water rights,
compensation.

(c) Designation of any stream or portion thereof as a national wild, scenic or recreational river area shall not be construed as a reservation of the waters of such streams for purposes other than those specified in this Act, or in quantities greater than necessary to accomplish these purposes.

(d) The jurisdiction of the States over waters of any stream included in a national wild, scenic or recreational river area shall be unaffected by this Act to the extent that such jurisdiction may be exercised without impairing the purposes of this Act or its administration.

(e) Nothing contained in this Act shall be construed to alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by any States which contain any portion of the national wild and scenic rivers system.

(f) Nothing in this Act shall affect existing rights of any State, including the right of access, with respect to the beds of navigable streams, tributaries, or rivers (or segments thereof) located in a national wild, scenic or recreational river area.

Easements and
rights-of-way.

(g) The Secretary of the Interior or the Secretary of Agriculture, as the case may be, may grant easements and rights-of-way upon, over, under, across, or through any component of the national wild and scenic rivers system in accordance with the laws applicable to the national park system and the national forest system, respectively: *Provided*, That any conditions precedent to granting such easements and rights-of-way shall be related to the policy and purpose of this Act.

Easement as
contribution,
claim and allow-
ance.

76 Stat. 1034;
68A Stat. 410.

SEC. 14. The claim and allowance of the value of an easement as a charitable contribution under section 170 of title 26, United States Code, or as a gift under section 2522 of said title shall constitute an agreement by the donor on behalf of himself, his heirs, and assigns that, if the terms of the instrument creating the easement are violated, the donee or the United States may acquire the servient estate at its fair market value as of the time the easement was donated minus the value of the easement claimed and allowed as a charitable contribution or gift.

Definitions.

SEC. 15. As used in this Act, the term—

(a) "River" means a flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes.

(b) "Free-flowing", as applied to any river or section of a river, means existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway. The existence, however, of low dams, diversion works, and other minor structures at the time any river is proposed for inclusion in the national wild and scenic rivers system shall not automatically bar its consideration for such inclusion: *Provided*, That this shall not be construed to authorize, intend, or encourage future construction of such structures within components of the national wild and scenic rivers system.

(c) "Scenic easement" means the right to control the use of land (including the air space above such land) for the purpose of protecting the scenic view from the river, but such control shall not affect, without the owner's consent, any regular use exercised prior to the acquisition of the easement.

Appropriations.

SEC. 16. There are hereby authorized to be appropriated such sums as may be necessary, but not more than \$17,000,000, for the acquisition of lands and interests in land under the provisions of this Act.

Approved October 2, 1968.

Public Law 90-543

AN ACT

To establish a national trails system, and for other purposes.

October 2, 1968
[S. 827]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Trails
System Act.

SHORT TITLE

SECTION 1. This Act may be cited as the "National Trails System Act".

STATEMENT OF POLICY

SEC. 2. (a) In order to provide for the ever-increasing outdoor recreation needs of an expanding population and in order to promote public access to, travel within, and enjoyment and appreciation of the open-air, outdoor areas of the Nation, trails should be established (i) primarily, near the urban areas of the Nation, and (ii) secondarily, within established scenic areas more remotely located.

(b) the purpose of this Act is to provide the means for attaining these objectives by instituting a national system of recreation and scenic trails, by designating the Appalachian Trail and the Pacific Crest Trail as the initial components of that system, and by prescribing the methods by which, and standards according to which, additional components may be added to the system.

NATIONAL TRAILS SYSTEM

SEC. 3. The national system of trails shall be composed of—

(a) National recreation trails, established as provided in section 4 of this Act, which will provide a variety of outdoor recreation uses in or reasonably accessible to urban areas.

(b) National scenic trails, established as provided in section 5 of this Act, which will be extended trails so located as to provide for maximum outdoor recreation potential and for the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the areas through which such trails may pass.

(c) Connecting or side trails, established as provided in section 6 of this Act, which will provide additional points of public access to national recreation or national scenic trails or which will provide connections between such trails.

The Secretary of the Interior and the Secretary of Agriculture, in consultation with appropriate governmental agencies and public and private organizations, shall establish a uniform marker for the national trails system.

NATIONAL RECREATION TRAILS

SEC. 4. (a) The Secretary of the Interior, or the Secretary of Agriculture where lands administered by him are involved, may establish and designate national recreation trails, with the consent of the Federal agency, State, or political subdivision having jurisdiction over the lands involved, upon finding that—

(i) such trails are reasonably accessible to urban areas, and, or

(ii) such trails meet the criteria established in this Act and such supplementary criteria as he may prescribe.

(b) As provided in this section, trails within park, forest, and other recreation areas administered by the Secretary of the Interior or the Secretary of Agriculture or in other federally administered areas may be established and designated as "National Recreation Trails" by the

appropriate Secretary and, when no Federal land acquisition is involved—

(i) trails in or reasonably accessible to urban areas may be designated as “National Recreation Trails” by the Secretary of the Interior with the consent of the States, their political subdivisions, or other appropriate administering agencies, and

(ii) trails within park, forest, and other recreation areas owned or administered by States may be designated as “National Recreation Trails” by the Secretary of the Interior with the consent of the State.

NATIONAL SCENIC TRAILS

SEC. 5. (a) National scenic trails shall be authorized and designated only by Act of Congress. There are hereby established as the initial National Scenic Trails:

Rights-of-way.

(1) The Appalachian Trail, a trail of approximately two thousand miles extending generally along the Appalachian Mountains from Mount Katahdin, Maine, to Springer Mountain, Georgia. Insofar as practicable, the right-of-way for such trail shall comprise the trail depicted on the maps identified as “Nationwide System of Trails, Proposed Appalachian Trail, NST-AT-101-May 1967”, which shall be on file and available for public inspection in the office of the Director of the National Park Service. Where practicable, such rights-of-way shall include lands protected for it under agreements in effect as of the date of enactment of this Act, to which Federal agencies and States were parties. The Appalachian Trail shall be administered primarily as a footpath by the Secretary of the Interior, in consultation with the Secretary of Agriculture.

Administration.

(2) The Pacific Crest Trail, a trail of approximately two thousand three hundred fifty miles, extending from the Mexican-California border northward generally along the mountain ranges of the west coast States to the Canadian-Washington border near Lake Ross, following the route as generally depicted on the map, identified as “Nationwide System of Trails, Proposed Pacific Crest Trail, NST-PC-103-May 1967” which shall be on file and available for public inspection in the office of the Chief of the Forest Service. The Pacific Crest Trail shall be administered by the Secretary of Agriculture, in consultation with the Secretary of the Interior.

Advisory councils.

(3) The Secretary of the Interior shall establish an advisory council for the Appalachian National Scenic Trail, and the Secretary of Agriculture shall establish an advisory council for the Pacific Crest National Scenic Trail. The appropriate Secretary shall consult with such council from time to time with respect to matters relating to the trail, including the selection of rights-of-way, standards of the erection and maintenance of markers along the trail, and the administration of the trail. The members of each advisory council, which shall not exceed thirty-five in number, shall serve without compensation or expense to the Federal Government for a term of five years and shall be appointed by the appropriate Secretary as follows:

Members; term of office.

(i) A member appointed to represent each Federal department or independent agency administering lands through which the trail route passes and each appointee shall be the person designated by the head of such department or agency;

(ii) A member appointed to represent each State through which the trail passes and such appointments shall be made from recommendations of the Governors of such States;

(iii) One or more members appointed to represent private organizations, including landowners and land users, that, in the opinion of the Secretary, have an established and recognized interest in the trail and such appointments shall be made from recommendations

of the heads of such organizations: *Provided*, That the Appalachian Trail Conference shall be represented by a sufficient number of persons to represent the various sections of the country through which the Appalachian Trail passes; and

(iv) The Secretary shall designate one member to be chairman and shall fill vacancies in the same manner as the original appointment.

(b) The Secretary of the Interior, and the Secretary of Agriculture where lands administered by him are involved, shall make such additional studies as are herein or may hereafter be authorized by the Congress for the purpose of determining the feasibility and desirability of designating other trails as national scenic trails. Such studies shall be made in consultation with the heads of other Federal agencies administering lands through which such additional proposed trails would pass and in cooperation with interested interstate, State, and local governmental agencies, public and private organizations, and landowners and land users concerned. When completed, such studies shall be the basis of appropriate proposals for additional national scenic trails which shall be submitted from time to time to the President and to the Congress. Such proposals shall be accompanied by a report, which shall be printed as a House or Senate document, showing among other things—

Additional studies.

Report to President and Congress.

(1) the proposed route of such trail (including maps and illustrations);

(2) the areas adjacent to such trails, to be utilized for scenic, historic, natural, cultural, or developmental purposes;

(3) the characteristics which, in the judgment of the appropriate Secretary, make the proposed trail worthy of designation as a national scenic trail;

(4) the current status of land ownership and current and potential use along the designated route;

(5) the estimated cost of acquisition of lands or interest in lands, if any;

(6) the plans for developing and maintaining the trail and the cost thereof;

(7) the proposed Federal administering agency (which, in the case of a national scenic trail wholly or substantially within a national forest, shall be the Department of Agriculture);

(8) the extent to which a State or its political subdivisions and public and private organizations might reasonably be expected to participate in acquiring the necessary lands and in the administration thereof; and

(9) the relative uses of the lands involved, including: the number of anticipated visitor-days for the entire length of, as well as for segments of, such trail; the number of months which such trail, or segments thereof, will be open for recreation purposes; the economic and social benefits which might accrue from alternate land uses; and the estimated man-years of civilian employment and expenditures expected for the purposes of maintenance, supervision, and regulation of such trail.

(c) The following routes shall be studied in accordance with the objectives outlined in subsection (b) of this section:

(1) Continental Divide Trail, a three-thousand-one-hundred-mile trail extending from near the Mexican border in southwestern New Mexico northward generally along the Continental Divide to the Canadian border in Glacier National Park.

(2) Potomac Heritage Trail, an eight-hundred-and-twenty-five-mile trail extending generally from the mouth of the Potomac River to its sources in Pennsylvania and West Virginia, including the one-hundred-and-seventy-mile Chesapeake and Ohio Canal towpath.

(3) Old Cattle Trails of the Southwest from the vicinity of San Antonio, Texas, approximately eight hundred miles through Oklahoma via Baxter Springs and Chetopa, Kansas, to Fort Scott, Kansas, including the Chisholm Trail, from the vicinity of San Antonio or Cuero, Texas, approximately eight hundred miles north through Oklahoma to Abilene, Kansas.

(4) Lewis and Clark Trail, from Wood River, Illinois, to the Pacific Ocean in Oregon, following both the outbound and inbound routes of the Lewis and Clark Expedition.

(5) Natchez Trace, from Nashville, Tennessee, approximately six hundred miles to Natchez, Mississippi.

(6) North Country Trail, from the Appalachian Trail in Vermont, approximately three thousand two hundred miles through the States of New York, Pennsylvania, Ohio, Michigan, Wisconsin, and Minnesota, to the Lewis and Clark Trail in North Dakota.

(7) Kittanning Trail from Shirleysburg in Huntingdon County to Kittanning, Armstrong County, Pennsylvania.

(8) Oregon Trail, from Independence, Missouri, approximately two thousand miles to near Fort Vancouver, Washington.

(9) Santa Fe Trail, from Independence, Missouri, approximately eight hundred miles to Santa Fe, New Mexico.

(10) Long Trail, extending two hundred and fifty-five miles from the Massachusetts border northward through Vermont to the Canadian border.

(11) Mormon Trail, extending from Nauvoo, Illinois, to Salt Lake City, Utah, through the States of Iowa, Nebraska, and Wyoming.

(12) Gold Rush Trails in Alaska.

(13) Mormon Battalion Trail, extending two thousand miles from Mount Pisgah, Iowa, through Kansas, Colorado, New Mexico, and Arizona to Los Angeles, California.

(14) El Camino Real from St. Augustine to San Mateo, Florida, approximately 20 miles along the southern boundary of the St. Johns River from Fort Caroline National Memorial to the St. Augustine National Park Monument.

CONNECTING AND SIDE TRAILS

SEC. 6. Connecting or side trails within park, forest, and other recreation areas administered by the Secretary of the Interior or Secretary of Agriculture may be established, designated, and marked as components of a national recreation or national scenic trail. When no Federal land acquisition is involved, connecting or side trails may be located across lands administered by interstate, State, or local governmental agencies with their consent: *Provided*, That such trails provide additional points of public access to national recreation or scenic trails.

ADMINISTRATION AND DEVELOPMENT

Publication in
Federal Register.

SEC. 7. (a) Pursuant to section 5(a), the appropriate Secretary shall select the rights-of-way for National Scenic Trails and shall publish notice thereof in the Federal Register, together with appropriate maps and descriptions: *Provided*, That in selecting the rights-of-way full consideration shall be given to minimizing the adverse effects upon the adjacent landowner or user and his operation. Development and management of each segment of the National Trails System shall be designed to harmonize with and complement any established multiple-use plans for that specific area in order to insure continued maximum benefits from the land. The location and width of such rights-of-way across Federal lands under the jurisdiction of another Federal agency shall be by agreement between the head of that agency and the appro-

priate Secretary. In selecting rights-of-way for trail purposes, the Secretary shall obtain the advice and assistance of the States, local governments, private organizations, and landowners and land users concerned.

(b) After publication of notice in the Federal Register, together with appropriate maps and descriptions, the Secretary charged with the administration of a national scenic trail may relocate segments of a national scenic trail right-of-way, with the concurrence of the head of the Federal agency having jurisdiction over the lands involved, upon a determination that: (i) such a relocation is necessary to preserve the purposes for which the trail was established, or (ii) the relocation is necessary to promote a sound land management program in accordance with established multiple-use principles: *Provided*, That a substantial relocation of the rights-of-way for such trail shall be by Act of Congress.

Relocation of right-of-way, determination.

(c) National scenic trails may contain campsites, shelters, and related-public-use facilities. Other uses along the trail, which will not substantially interfere with the nature and purposes of the trail, may be permitted by the Secretary charged with the administration of the trail. Reasonable efforts shall be made to provide sufficient access opportunities to such trails and, to the extent practicable, efforts shall be made to avoid activities incompatible with the purposes for which such trails were established. The use of motorized vehicles by the general public along any national scenic trail shall be prohibited and nothing in this Act shall be construed as authorizing the use of motorized vehicles within the natural and historical areas of the national park system, the national wildlife refuge system, the national wilderness preservation system where they are presently prohibited or on other Federal lands where trails are designated as being closed to such use by the appropriate Secretary: *Provided*, That the Secretary charged with the administration of such trail shall establish regulations which shall authorize the use of motorized vehicles when, in his judgment, such vehicles are necessary to meet emergencies or to enable adjacent landowners or land users to have reasonable access to their lands or timber rights: *Provided further*, That private lands included in the national recreation or scenic trails by cooperative agreement of a landowner shall not preclude such owner from using motorized vehicles on or across such trails or adjacent lands from time to time in accordance with regulations to be established by the appropriate Secretary. The Secretary of the Interior and the Secretary of Agriculture, in consultation with appropriate governmental agencies and public and private organizations, shall establish a uniform marker, including thereon an appropriate and distinctive symbol for each national recreation and scenic trail. Where the trails cross lands administered by Federal agencies such markers shall be erected at appropriate points along the trails and maintained by the Federal agency administering the trail in accordance with standards established by the appropriate Secretary and where the trails cross non-Federal lands, in accordance with written cooperative agreements, the appropriate Secretary shall provide such uniform markers to cooperating agencies and shall require such agencies to erect and maintain them in accordance with the standards established.

Facilities on trails.

Motorized vehicles; prohibition, exceptions.

Uniform markers.

(d) Within the exterior boundaries of areas under their administration that are included in the right-of-way selected for a national recreation or scenic trail, the heads of Federal agencies may use lands for trail purposes and may acquire lands or interests in lands by written cooperative agreement, donation, purchase with donated or appropriated funds or exchange: *Provided*, That not more than twenty-five acres in any one mile may be acquired without the consent of the owner.

Acquisition of lands, use.

Acreage limitation.

Right-of-way
lands outside ex-
terior boundaries.

(e) Where the lands included in a national scenic trail right-of-way are outside of the exterior boundaries of federally administered areas, the Secretary charged with the administration of such trail shall encourage the States or local governments involved (1) to enter into written cooperative agreements with landowners, private organizations, and individuals to provide the necessary trail right-of-way, or (2) to acquire such lands or interests therein to be utilized as segments of the national scenic trail: *Provided*, That if the State or local governments fail to enter into such written cooperative agreements or to acquire such lands or interests therein within two years after notice of the selection of the right-of-way is published, the appropriate Secretary may (i) enter into such agreements with landowners, States, local governments, private organizations, and individuals for the use of lands for trail purposes, or (ii) acquire private lands or interests therein by donation, purchase with donated or appropriated funds or exchange in accordance with the provisions of subsection (g) of this section. The lands involved in such rights-of-way should be acquired in fee, if other methods of public control are not sufficient to assure their use for the purpose for which they are acquired: *Provided*, That if the Secretary charged with the administration of such trail permanently relocates the right-of-way and disposes of all title or interest in the land, the original owner, or his heirs or assigns, shall be offered, by notice given at the former owner's last known address, the right of first refusal at the fair market price.

Property suit-
able for exchange.

(f) The Secretary of the Interior, in the exercise of his exchange authority, may accept title to any non-Federal property within the right-of-way and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction which is located in the State wherein such property is located and which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require. The Secretary of Agriculture, in the exercise of his exchange authority, may utilize authorities and procedures available to him in connection with exchanges of national forest lands.

Use of con-
demnation pro-
ceedings to
acquire private
lands.

(g) The appropriate Secretary may utilize condemnation proceedings without the consent of the owner to acquire private lands or interests therein pursuant to this section only in cases where, in his judgment, all reasonable efforts to acquire such lands or interests therein by negotiation have failed, and in such cases he shall acquire only such title as, in his judgment, is reasonably necessary to provide passage across such lands: *Provided*, That condemnation proceedings may not be utilized to acquire fee title or lesser interests to more than twenty-five acres in any one mile and when used such authority shall be limited to the most direct or practicable connecting trail right-of-way: *Provided further*. That condemnation is prohibited with respect to all acquisition of lands or interest in lands for the purposes of the Pacific Crest Trail. Money appropriated for Federal purposes from the land and water conservation fund shall, without prejudice to appropriations from other sources, be available to Federal departments for the acquisition of lands or interests in lands for the purposes of this Act.

Limitation.

Pacific Crest
Trail.

Lands within
federally admin-
istered areas.

(h) The Secretary charged with the administration of a national recreation or scenic trail shall provide for the development and maintenance of such trails within federally administered areas and shall cooperate with and encourage the States to operate, develop, and maintain portions of such trails which are located outside the boundaries of federally administered areas. When deemed to be in the public interest, such Secretary may enter written cooperative agreements with the States or their political subdivisions, landowners, private organi-

zations, or individuals to operate, develop, and maintain any portion of a national scenic trail either within or outside a federally administered area.

Whenever the Secretary of the Interior makes any conveyance of land under any of the public land laws, he may reserve a right-of-way for trails to the extent he deems necessary to carry out the purposes of this Act.

Right-of-way
reservation.

(i) The appropriate Secretary, with the concurrence of the heads of any other Federal agencies administering lands through which a national recreation or scenic trail passes, and after consultation with the States, local governments, and organizations concerned, may issue regulations, which may be revised from time to time, governing the use, protection, management, development, and administration of trails of the national trails system. In order to maintain good conduct on and along the trails located within federally administered areas and to provide for the proper government and protection of such trails, the Secretary of the Interior and the Secretary of Agriculture shall prescribe and publish such uniform regulations as they deem necessary and any person who violates such regulations shall be guilty of a misdemeanor, and may be punished by a fine of not more than \$500, or by imprisonment not exceeding six months, or by both such fine and imprisonment.

Regulations.

Publication.

Penalty.

STATE AND METROPOLITAN AREA TRAILS

SEC. 8. (a) The Secretary of the Interior is directed to encourage States to consider, in their comprehensive statewide outdoor recreation plans and proposals for financial assistance for State and local projects submitted pursuant to the Land and Water Conservation Fund Act, needs and opportunities for establishing park, forest, and other recreation trails on lands owned or administered by States, and recreation trails on lands in or near urban areas. He is further directed, in accordance with the authority contained in the Act of May 28, 1963 (77 Stat. 49), to encourage States, political subdivisions, and private interests, including nonprofit organizations, to establish such trails.

78 Stat. 897.
16 USC 460l-4
note.

16 USC 460l-
460l-3.

(b) The Secretary of Housing and Urban Development is directed, in administering the program of comprehensive urban planning and assistance under section 701 of the Housing Act of 1954, to encourage the planning of recreation trails in connection with the recreation and transportation planning for metropolitan and other urban areas. He is further directed, in administering the urban open-space program under title VII of the Housing Act of 1961, to encourage such recreation trails.

73 Stat. 678;
78 Stat. 792;
81 Stat. 262.
40 USC 461.

75 Stat. 183.
42 USC 1500
et seq.

(c) The Secretary of Agriculture is directed, in accordance with authority vested in him, to encourage States and local agencies and private interests to establish such trails.

(d) Such trails may be designated and suitably marked as parts of the nationwide system of trails by the States, their political subdivisions, or other appropriate administering agencies with the approval of the Secretary of the Interior.

Suitable mark-
ings.

RIGHTS-OF-WAY AND OTHER PROPERTIES

SEC. 9. (a) The Secretary of the Interior or the Secretary of Agriculture as the case may be, may grant easements and rights-of-way upon, over, under, across, or along any component of the national trails system in accordance with the laws applicable to the national park system and the national forest system, respectively: *Provided*, That any conditions contained in such easements and rights-of-way shall be related to the policy and purposes of this Act.

Easements and
rights-of-way.

Cooperation of
Federal agencies.

(b) The Department of Defense, the Department of Transportation, the Interstate Commerce Commission, the Federal Communications Commission, the Federal Power Commission, and other Federal agencies having jurisdiction or control over or information concerning the use, abandonment, or disposition of roadways, utility rights-of-way, or other properties which may be suitable for the purpose of improving or expanding the national trails system shall cooperate with the Secretary of the Interior and the Secretary of Agriculture in order to assure, to the extent practicable, that any such properties having values suitable for trail purposes may be made available for such use.

AUTHORIZATION OF APPROPRIATIONS

SEC. 10. There are hereby authorized to be appropriated for the acquisition of lands or interests in lands not more than \$5,000,000 for the Appalachian National Scenic Trail and not more than \$500,000 for the Pacific Crest National Scenic Trail.

Approved October 2, 1968.

Public Law 90-544

AN ACT

October 2, 1968

[S. 1321]

To establish the North Cascades National Park and Ross Lake and Lake Chelan National Recreation Areas, to designate the Pasayten Wilderness and to modify the Glacier Peak Wilderness, in the State of Washington, and for other purposes.

State of Wash-
ington.
Certain recrea-
tion areas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—NORTH CASCADES NATIONAL PARK

Establishment.

SEC. 101. In order to preserve for the benefit, use, and inspiration of present and future generations certain majestic mountain scenery, snow fields, glaciers, alpine meadows, and other unique natural features in the North Cascade Mountains of the State of Washington, there is hereby established, subject to valid existing rights, the North Cascades National Park (hereinafter referred to in this Act as the "park"). The park shall consist of the lands, waters, and interests therein within the area designated "national park" on the map entitled "Proposed Management Units, North Cascades, Washington," numbered NP-CAS-7002, and dated October 1967. The map shall be on file and available for public inspection in the office of the Director, National Park Service, Department of the Interior, and in the office of the Chief, Forest Service, Department of Agriculture.

TITLE II—ROSS LAKE AND LAKE CHELAN NATIONAL RECREATION AREAS

Establishment.

SEC. 201. In order to provide for the public outdoor recreation use and enjoyment of portions of the Skagit River and Ross, Diablo, and Gorge Lakes, together with the surrounding lands, and for the conservation of the scenic, scientific, historic, and other values contributing to public enjoyment of such lands and waters, there is hereby established, subject to valid existing rights, the Ross Lake National Recreation Area (hereinafter referred to in this Act as the "recreation area"). The recreation area shall consist of the lands and waters within the area designated "Ross Lake National Recreation Area" on the map referred to in section 101 of this Act.

SEC. 202. In order to provide for the public outdoor recreation use and enjoyment of portions of the Stehekin River and Lake Chelan, together with the surrounding lands, and for the conservation of the scenic, scientific, historic, and other values contributing to public enjoyment of such lands and waters, there is hereby established, subject to valid existing rights, the Lake Chelan National Recreation Area (hereinafter referred to in this Act as the "recreation area"). The recreation area shall consist of the lands and waters within the area designated "Lake Chelan National Recreation Area" on the map referred to in section 101 of this Act.

TITLE III—LAND ACQUISITION

SEC. 301. Within the boundaries of the park and recreation areas, the Secretary of the Interior (hereinafter referred to in this Act as the "Secretary") may acquire lands, waters, and interests therein by donation, purchase with donated or appropriated funds, or exchange, except that he may not acquire any such interests within the recreation areas without the consent of the owner, so long as the lands are devoted to uses compatible with the purposes of this Act. Lands owned by the State of Washington or any political subdivision thereof may be acquired only by donation. Federal property within the boundaries of the park and recreation areas is hereby transferred to the administrative jurisdiction of the Secretary for administration by him as part of the park and recreation areas. The national forest land within such boundaries is hereby eliminated from the national forests within which it was heretofore located.

SEC. 302. In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property within the boundaries of the park and recreation areas and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction in the State of Washington which he classifies as suitable for exchange or other disposal.

The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

SEC. 303. Any owner of property acquired by the Secretary which on the date of acquisition is used for agricultural or single-family residential purposes, or for commercial purposes which he finds are compatible with the use and development of the park or the recreation areas, may, as a condition of such acquisition, retain the right of use and occupancy of the property for the same purposes for which it was used on such date, for a period ending at the death of the owner or the death of his spouse, whichever occurs later, or for a fixed term of not to exceed twenty-five years, whichever the owner may elect. Any right so retained may during its existence be transferred or assigned. Any right so retained may be terminated by the Secretary at any time after the date upon which any use of the property occurs which he finds is a use other than one which existed on the date of acquisition. In the event the Secretary terminates a right of use and occupancy under this section, he shall pay to the owner of the right the fair market value of the portion of said right which remains unexpired on the date of termination.

TITLE IV—ADMINISTRATIVE PROVISIONS

SEC. 401. The Secretary shall administer the park in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4), as amended and supplemented.

SEC. 402. (a) The Secretary shall administer the recreation areas in a manner which in his judgment will best provide for (1) public outdoor recreation benefits; (2) conservation of scenic, scientific, historic, and other values contributing to public enjoyment; and (3) such management, utilization, and disposal of renewable natural resources and the continuation of such existing uses and developments as will promote or are compatible with, or do not significantly impair, public recreation and conservation of the scenic, scientific, historic, or other values contributing to public enjoyment. In administering the recreation areas, the Secretary may utilize such statutory authorities pertaining to the administration of the national park system, and such statutory authorities otherwise available to him for the conservation and management of natural resources as he deems appropriate for recreation and preservation purposes and for resource development compatible therewith.

(b) The lands within the recreation areas, subject to valid existing rights, are hereby withdrawn from location, entry, and patent under the United States mining laws. The Secretary, under such reasonable regulations as he deems appropriate, may permit the removal of the nonleasable minerals from lands or interest in lands within the rec-

recreation areas in the manner prescribed by section 10 of the Act of August 4, 1939, as amended (53 Stat. 1196; 43 U.S.C. 387), and he may permit the removal of leasable minerals from lands or interests in lands within the recreation areas in accordance with the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 181 et seq.), or the Acquired Lands Mineral Leasing Act of August 7, 1947 (30 U.S.C. 351 et seq.), if he finds that such disposition would not have significant adverse effects on the administration of the recreation areas.

41 Stat. 437;
60 Stat. 950.

61 Stat. 913.

(c) All receipts derived from permits and leases issued on lands or interests in lands within the recreation areas under the Mineral Leasing Act of February 25, 1920, as amended, or the Acquired Lands Mineral Leasing Act of August 7, 1947, shall be disposed of as provided in the applicable Act; and receipts from the disposition of nonleasable minerals within the recreation areas shall be disposed of in the same manner as moneys received from the sale of public lands.

(d) The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the boundaries of the recreation areas in accordance with applicable laws of the United States and of the State of Washington, except that the Secretary may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish and wildlife management, or public use and enjoyment. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the Department of Game of the State of Washington.

(e) The Secretary shall not permit the construction or use of any road within the park which would provide vehicular access from the North Cross State Highway to the Stehekin Road. Neither shall he permit the construction or use of any permanent road which would provide vehicular access between May Creek and Hozomeen along the east side of Ross Lake.

TITLE V—SPECIAL PROVISIONS

SEC. 501. The distributive shares of the respective counties of receipts from the national forests from which the national park and recreation areas are created, as paid under the provisions of the Act of May 23, 1908 (35 Stat. 260), as amended (16 U.S.C. 500), shall not be affected by the elimination of lands from such national forests by the enactment of this Act.

58 Stat. 737;
64 Stat. 87.

SEC. 502. Where any Federal lands included in the park or recreation areas are legally occupied or utilized on the effective date of this Act for any purpose, pursuant to a contract, lease, permit, or license issued or authorized by any department, establishment, or agency of the United States, the Secretary shall permit the persons holding such privileges to continue in the exercise thereof, subject to the terms and conditions thereof, for the remainder of the term of the contract, lease, permit, or license or for such longer period of time as the Secretary deems appropriate.

SEC. 503. Nothing in this Act shall be construed to affect adversely or to authorize any Federal agency to take any action that would affect adversely any rights or privileges of the State of Washington in property within the Ross Lake National Recreation Area which is being utilized for the North Cross State Highway.

SEC. 504. Within two years from the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall agree on the designation of areas within the park or recreation areas or within national forests adjacent to the park and recreation areas needed for public use facilities and for administrative purposes by the Secretary of Agriculture or the Secretary of the Interior, respectively. The areas so designated shall be administered in a manner that is mutually agreeable to the two Secretaries, and such public use facilities, including interpretive centers, visitor contact stations, lodges, campsites, and ski lifts, shall be constructed according to a plan agreed upon by the two Secretaries.

SEC. 505. Nothing in this Act shall be construed to supersede, repeal, modify, or impair the jurisdiction of the Federal Power Commission under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), in the recreation areas.

SEC. 506. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, but not more than \$3,500,000 shall be appropriated for the acquisition of lands or interest in lands.

TITLE VI—WILDERNESS

Pasayten Wil-
derness.
Designation.
78 Stat. 890.
16 USC 1131
note.

SEC. 601. (a) In order to further the purposes of the Wilderness Act, there is hereby designated, subject to valid existing rights, the Pasayten Wilderness within and as a part of the Okanogan National Forest and the Mount Baker National Forest, comprising an area of about five hundred thousand acres lying east of Ross Lake, as generally depicted in the area designated as "Pasayten Wilderness" on the map referred to in section 101 of this Act.

(b) The previous classification of the North Cascades Primitive Area is hereby abolished.

Glacier Peak
Wilderness,
boundary exten-
sion.

SEC. 602. The boundaries of the Glacier Peak Wilderness, an area classified as such more than thirty days before the effective date of the Wilderness Act and being within and a part of the Wenatchee National Forest and the Mount Baker National Forest, subject to valid existing rights, are hereby extended to include portions of the Suiattle River corridor and the White Chuck River corridor on the western side thereof, comprising areas totaling about ten thousand acres, as depicted in the area designated as "Additions to Glacier Peak Wilderness" on the map referred to in section 101 of this Act.

Map and legal
description, filing
with congres-
sional committees.

SEC. 603. (a) As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and legal description of the Pasayten Wilderness and of the Glacier Peak Wilderness, as hereby modified, with the Interior and Insular Affairs Committees of the United States Senate and House of Representatives, and such descriptions shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical or typographical errors in such legal descriptions and maps may be made.

(b) Upon the filing of the legal descriptions and maps as provided for in subsection (a) of this section the Pasayten Wilderness and the additions to the Glacier Peak Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act and thereafter shall be subject to the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 604. Within two years from the date of enactment of this Act, the Secretary of the Interior shall review the area within the North Cascades National Park, including the Picket Range area and the Eldorado Peaks area, and shall report to the President, in accordance with subsections 3(c) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (c) and (d)), his recommendation as to the suitability or unsuitability of any area within the park for preservation as wilderness, and any designation of any such area as a wilderness area shall be accomplished in accordance with said subsections of the Wilderness Act.

Area review;
report to the
President.

Approved October 2, 1968.

Public Law 90-545

AN ACT

To establish a Redwood National Park in the State of California, and for other purposes.

October 2, 1968
[S. 2515]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve significant examples of the primeval coastal redwood (*Sequoia sempervirens*) forests and the streams and seashores with which they are associated for purposes of public inspiration, enjoyment, and scientific study, there is hereby established a Redwood National Park in Del Norte and Humboldt Counties, California.

Redwood National
Park, Calif.
Establishment.

SEC. 2. (a) The area to be included within the Redwood National Park is that generally depicted on the maps entitled "Redwood National Park," numbered NPS-RED-7114-A and NPS-RED-7114-B, and dated September 1968, copies of which maps shall be kept available for public inspection in the offices of the National Park Service, Department of the Interior, and shall be filed with appropriate officers of Del Norte and Humboldt Counties. The Secretary of the Interior (hereinafter referred to as the "Secretary") may from time to time, with a view to carrying out the purpose of this Act and with particular attention to minimizing siltation of the streams, damage to the timber, and assuring the preservation of the scenery within the boundaries of the national park as depicted on said maps, modify said boundaries, giving notice of any changes involved therein by publication of a revised drawing or boundary description in the Federal Register and by filing said revision with the officers with whom the original maps were filed, but the acreage within said park shall at no time exceed fifty-eight thousand acres, exclusive of submerged lands.

Boundaries.

(b) The Secretary is authorized to acquire by donation only all or part of existing publicly owned highways and roads within the boundaries of the park as he may deem necessary for park purposes. Until such highways and roads have been acquired, the Secretary may cooperate with appropriate State and local officials in patrolling and maintaining such roads and highways.

Publication in
Federal Register.

SEC. 3. (a) The Secretary is authorized to acquire lands and interests in land within the boundaries of the Redwood National Park and, in addition thereto, not more than ten acres outside of those boundaries for an administrative site or sites. Such acquisition may be by donation, purchase with appropriated or donated funds, exchange, or otherwise, but lands and interests in land owned by the State of California may be acquired only by donation.

(b) (1) Effective on the date of enactment of this Act, there is hereby vested in the United States all right, title, and interest in, and the right

to immediate possession of, all real property within the park boundaries designated in maps NPS-RED-7114-A and NPS-RED-7114-B, except real property owned by the State of California or a political subdivision thereof and except as provided in paragraph (3) of this subsection. The Secretary shall allow for the orderly termination of all operations on real property acquired by the United States under this subsection, and for the removal of equipment, facilities, and personal property therefrom.

(2) The United States will pay just compensation to the owner of any real property taken by paragraph (1) of this subsection. Such compensation shall be paid either: (A) by the Secretary of the Treasury from money appropriated from the Land and Water Conservation Fund, including money appropriated to the Fund pursuant to section 4(b) of the Land and Water Conservation Fund Act of 1965, as amended, subject to the appropriation limitation in section 10 of this Act, upon certification to him by the Secretary of the agreed negotiated value of such property, or the valuation of the property awarded by judgment, including interest at the rate of 6 per centum per annum from the date of taking the property to the date of payment therefor; or (B) by the Secretary, if the owner of the land concurs, with any federally owned property available to him for purposes of exchange pursuant to the provisions of section 5 of this Act; or (C) by the Secretary using any combination of such money or federally owned property. Any action against the United States for the recovery of just compensation for the land and interests therein taken by the United States by this subsection shall be brought in the Court of Claims as provided in title 28, United States Code, section 1491.

78 Stat. 900.
16 USC 4601-7.

68 Stat. 1241.

(3) Subsection 3(b) shall apply to ownerships of fifty acres or less only if such ownerships are held or occupied primarily for nonresidential or nonagricultural purposes, and if the Secretary gives notice to the owner within sixty days after the effective date of this Act of the application of this subsection. Notice by the Secretary shall be deemed to have been made as of the effective date of this Act. The district court of the United States for that district in which such ownerships are located shall have jurisdiction to hear and determine any action brought by any person having an interest therein for damages occurring by reason of the temporary application of this paragraph, between the effective date of this Act and the date upon which the Secretary gives such notice. Nothing in this paragraph shall be construed as affecting the authority of the Secretary under subsections (a) and (c) of this section to acquire such areas for the purposes of this Act.

(c) If any individual tract or parcel of land acquired is partly inside and partly outside the boundaries of the park or the administrative site the Secretary may, in order to minimize the payment of severance damages, acquire the whole of the tract or parcel and exchange that part of it which is outside the boundaries for land or interests in land inside the boundaries or for other land or interests in land acquired pursuant to this Act, and dispose of so much thereof as is not so utilized in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended (40 U.S.C. 471 et seq.). The cost of any land so acquired and disposed of shall not be charged against the limitation on authorized appropriations contained in section 10 of this Act.

(d) The Secretary is further authorized to acquire, as provided in subsection (a) of this section, lands and interests in land bordering both sides of the highway between the present southern boundary of Prairie Creek Redwoods State Park and a point on Redwood Creek

near the town of Orick to a depth sufficient to maintain or to restore a screen of trees between the highway and the land behind the screen and the activities conducted thereon.

(e) In order to afford as full protection as is reasonably possible to the timber, soil, and streams within the boundaries of the park, the Secretary is authorized, by any of the means set out in subsections (a) and (c) of this section, to acquire interests in land from, and to enter into contracts and cooperative agreements with, the owners of land on the periphery of the park and on watersheds tributary to streams within the park designed to assure that the consequences of forestry management, timbering, land use, and soil conservation practices conducted thereon, or of the lack of such practices, will not adversely affect the timber, soil, and streams within the park as aforesaid. As used in this subsection, the term "interests in land" does not include fee title unless the Secretary finds that the cost of a necessary less-than-fee interest would be disproportionately high as compared with the estimated cost of the fee. No acquisition other than by donation shall be effectuated and no contract or cooperative agreement shall be executed by the Secretary pursuant to the provisions of this subsection until sixty days after he has notified the President of the Senate and the Speaker of the House of Representatives of his intended action and of the costs and benefits to the United States involved therein.

"Interests in land."

SEC. 4. (a) The owner of improved property on the date of its acquisition by the Secretary under this Act may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term of not more than twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless the property is wholly or partially donated to the United States, the Secretary shall pay the owner the fair market value of the property on the date of acquisition minus the fair market value on that date of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purpose of this Act, and it shall terminate by operation of law upon the Secretary's notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

(b) The term "improved property", as used in this section, means a detached, noncommercial residential dwelling, the construction of which was begun before October 9, 1967, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

"Improved property."

(c) The Secretary shall have, with respect to any real property acquired by him in sections 5 and 8, township 13 north, range 1 east, Humboldt meridian, authority to sell or lease the same to the former owner under such conditions and restrictions as will assure that it is not utilized in a manner or for purposes inconsistent with the national park.

SEC. 5. In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property within the boundaries of the park, and outside of such boundaries within the limits prescribed in this Act. Notwithstanding any other provision of law, the Secretary may acquire such property from the grantor by

exchange for any federally owned property under the jurisdiction of the Bureau of Land Management in California, except property needed for public use and management, which he classifies as suitable for exchange or other disposal, or any federally owned property he may designate within the Northern Redwood Purchase Unit in Del Norte County, California, except that section known and designated as the Yurok Experimental Forest, consisting of approximately nine hundred and thirty-five acres. Such federally owned property shall also be available for use by the Secretary in lieu of, or together with, cash in payment of just compensation for any real property taken pursuant to section 3(b) of this Act. The values of the properties so exchanged either shall be approximately equal or, if they are not approximately equal, the value shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require. Through the exercise of his exchange authority, the Secretary shall, to the extent possible, minimize economic dislocation and the disruption of the grantor's commercial operations.

SEC. 6. Notwithstanding any other provision of law, any Federal property located within any of the areas described in sections 2 and 3 of this Act may, with the concurrence of the head of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of this Act.

SEC. 7. (a) Notwithstanding any other provision of law, the Secretary shall have the same authority with respect to contracts for the acquisition of land and interests in land for the purposes of this Act as was given the Secretary of the Treasury for other land acquisitions by section 34 of the Act of May 30, 1908 (35 Stat. 545; 40 U.S.C. 261), and the Secretary and the owner of land to be acquired under this Act may agree that the purchase price will be paid in periodic installments over a period that does not exceed ten years, with interest on the unpaid balance thereof at a rate which is not in excess of the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities on the installments.

(b) Judgments against the United States for amounts in excess of the deposit in court made in condemnation actions shall be subject to the provisions of section 1302 of the Act of July 27, 1956 (70 Stat. 694), as amended (31 U.S.C. 724a), and the Act of June 25, 1948 (62 Stat. 979), as amended (28 U.S.C. 2414, 2517).

SEC. 8. The present practice of the California Department of Parks and Recreation of maintaining memorial groves of redwood trees named for benefactors of the State redwood parks shall be continued by the Secretary in the Redwood National Park.

SEC. 9. The Secretary shall administer the Redwood National Park in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4), as amended and supplemented.

SEC. 10. There are hereby authorized to be appropriated \$92,000,000 for land acquisition to carry out the provisions of this Act.

Approved October 2, 1968.

75 Stat. 415.

Appropriation
authorization.

Public Law 90-546

AN ACT

October 2, 1968
[H. R. 5910]

To declare that the United States holds certain lands in trust for the Pawnee Indian Tribe of Oklahoma.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all right, title, and interest of the United States in the following described lands and improvements thereon, embraced in the Pawnee school and agency reserve, and in four cemetery sites, comprising seven hundred twenty-six and three one-hundredths acres, more or less, are hereby declared to be held by the United States in trust for the benefit of the Pawnee Tribe of Oklahoma, subject to valid existing rights-of-way, and subject to the right of the United States to use, without compensation, a tract of land comprising approximately five and forty-six one-hundredths acres, together with facilities located thereon or hereafter installed, which are now used by the United States Public Health Service:

Pawnee Indians,
Okla.
Lands held in
trust.

Indian Meridian, Oklahoma

Township 19 north, range 5 east, section 16, southwest quarter southeast quarter southwest quarter.

Township 21 north, range 5 east, section 18, southwest quarter southwest quarter southwest quarter.

Township 22 north, range 4 east, section 32, southwest quarter southwest quarter northeast quarter.

Township 22 north, range 5 east, section 20, northeast quarter southeast quarter southwest quarter; section 32, east half, east half west half; section 33, west half.

excepting therefrom the following lands:

(a) Lot 1, comprising 88.43 acres, more or less, located in the west half east half and east half west half section 32, as shown on General Land Office plat approved November 5, 1907, which has been conveyed to the city of Pawnee;

(b) Lot 2, comprising 12.68 acres, more or less, and lot 3, comprising 12.86 acres, more or less, both located in the west half east half and east half west half section 32, as shown on General Land Office supplemental plat approved February 4, 1920, which has been conveyed to the Home Mission Board of the Southern Baptist Convention.

Approved October 2, 1968.

Public Law 90-547

AN ACT

October 2, 1968
[S. 3058]

To amend the Water Resources Planning Act to revise the authorization of appropriations for administering the provisions of the Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 401 of the Water Resources Planning Act (Public Law 89-80; 79 Stat. 244) is amended by deleting "\$300,000" and inserting in lieu thereof "\$500,000".

Water Resources
Planning Act, ap-
propriation in-
crease.
42 USC 1962d.

Approved October 2, 1968.

Public Law 90-548

AN ACT

October 2, 1968
[S. 2751]

To designate the Mount Jefferson Wilderness, Willamette, Deschutes, and Mount Hood National Forests, in the State of Oregon.

Mount Jefferson
Wilderness.
Designation.
16 USC 1132.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with subsection 3(b) of the Wilderness Act of September 3, 1964 (78 Stat. 891), the area classified as the Mount Jefferson Primitive Area, with the proposed additions thereto and deletions therefrom, as generally depicted on a map entitled "Mount Jefferson Wilderness—Proposed," dated July 1968, which is on file and available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the Mount Jefferson Wilderness within and as a part of Willamette, Deschutes, and Mount Hood National Forests, comprising an area of approximately one hundred thousand acres.

Map and legal
description.
Filing with
congressional
committees.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Mount Jefferson Wilderness with the Committees on Interior and Insular Affairs of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

Administration.

SEC. 3. The Mount Jefferson Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 4. The previous classification of the Mount Jefferson Primitive Area is hereby abolished.

Approved October 2, 1968.

Public Law 90-549

AN ACT

October 4, 1968
[S. 3030]

To amend section 3 of the Act of November 2, 1966, to reduce the number of experimental plants authorized for the development of fish protein concentrate, and for other purposes.

Fish protein
concentrate.
Experimental
plants reduction.
80 Stat. 1090.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act of November 2, 1966 (16 U.S.C. 778f), is amended as follows:

(1) The first sentence is amended by inserting "or leasing" immediately after "construction".

(2) The second sentence is amended by striking out "for the leasing of one additional experiment and demonstration plant, for the operation and maintenance of experiment and demonstration plants leased or constructed under this Act" and inserting in lieu thereof "for the leasing or construction of the experiment and demonstration plant referred to in the preceding sentence, for the operation and maintenance of such experiment and demonstration plant".

Approved October 4, 1968.

Public Law 90-550

AN ACT

October 4, 1968
[H. R. 17023]

Making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1969, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1969, and for other purposes, namely:

Independent Offices and Department of Housing and Urban Development Appropriation Act, 1969.

TITLE I

EXECUTIVE OFFICE OF THE PRESIDENT

NATIONAL AERONAUTICS AND SPACE COUNCIL

SALARIES AND EXPENSES

For expenses necessary for the National Aeronautics and Space Council, established by section 201 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2471), including hire of passenger motor vehicles, reimbursement of the General Services Administration for security guard services, and services as authorized by 5 U.S.C. 3109, \$500,000.

72 Stat. 427;
75 Stat. 46.

80 Stat. 416.

OFFICE OF EMERGENCY PLANNING

SALARIES AND EXPENSES

For expenses necessary for the Office of Emergency Planning, including services as authorized by 5 U.S.C. 3109, reimbursement of the General Services Administration for security guard services, hire of passenger motor vehicles, and expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency planning, \$4,850,000.

SALARIES AND EXPENSES, TELECOMMUNICATIONS

For expenses necessary for the conduct of telecommunications functions assigned to the Director of Telecommunications Management, including services as authorized by 5 U.S.C. 3109, \$1,675,000: *Provided*, That not to exceed \$500,000 of the foregoing amount shall remain available for telecommunications studies and research until expended.

CIVIL DEFENSE AND DEFENSE MOBILIZATION FUNCTIONS OF FEDERAL AGENCIES

For expenses necessary to assist other Federal agencies to perform civil defense and defense mobilization functions, including payments by the Department of Labor to State employment security agencies for the full cost of administration of defense manpower mobilization activities, \$3,100,000.

OFFICE OF SCIENCE AND TECHNOLOGY

SALARIES AND EXPENSES

80 Stat. 416. For expenses necessary for the Office of Science and Technology, including services as authorized by 5 U.S.C. 3109, \$1,800,000.

FUNDS APPROPRIATED TO THE PRESIDENT

APPALACHIAN REGIONAL DEVELOPMENT PROGRAMS

79 Stat. 5;
81 Stat. 257.
40 USC app. 1. For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, except expenses authorized by section 105 of said Act, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$173,600,000, to remain available until expended.

DISASTER RELIEF

64 Stat. 1109.
80 Stat. 1320.
42 USC 1855ee. For expenses necessary to carry out the purposes of the Act of September 30, 1950, as amended (42 U.S.C. 1855-1855g) and section 9 of the Disaster Relief Act of 1966 (Public Law 89-769), authorizing assistance to States and local governments in major disasters, \$10,000,000, to remain available until expended: *Provided*, That not to exceed 3 per centum of the foregoing amount shall be available for administrative expenses.

INDEPENDENT OFFICES

APPALACHIAN REGIONAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Cochairman and his alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$850,000.

CIVIL AERONAUTICS BOARD

SALARIES AND EXPENSES

80 Stat. 508;
81 Stat. 206. For necessary expenses of the Civil Aeronautics Board, including hire of aircraft; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); and not to exceed \$1,000 for official reception and representation expenses, \$9,350,000.

PAYMENTS TO AIR CARRIERS (LIQUIDATION OF CONTRACT AUTHORIZATION)

72 Stat. 763. For payments to air carriers of so much of the compensation fixed and determined by the Civil Aeronautics Board under section 406 of the Federal Aviation Act of 1958 (49 U.S.C. 1376), as is payable by the Board, \$45,000,000, to remain available until expended.

CIVIL SERVICE COMMISSION

SALARIES AND EXPENSES

For necessary expenses, including services as authorized by 5 U.S.C. 3109; not to exceed \$10,000 for medical examinations performed for veterans by private physicians on a fee basis; payment in advance for library membership in societies whose publications are available to members only or to members at a price lower than to the general public; not to exceed \$161,000 for performing the duties imposed upon the Commission by chapter 15 of title 5, United States Code; and not to exceed \$1,000 for official reception and representation expenses; \$37,200,000, including funding of Interagency Boards of Examiners, together with not to exceed \$6,460,000 for necessary expenses incurred during the current fiscal year in the administration of the retirement and insurance programs, to be transferred from the trust funds "Civil Service retirement and disability fund", "Employees life insurance fund", "Employees health benefits fund", and "Retired employees health benefits fund", in such amounts as may be determined by the Civil Service Commission, without regard to the provisions of any other Act, but this provision shall not affect the authority of 5 U.S.C. 8348(a) and section 1(b) of Public Law 89-205 (79 Stat. 840), providing for additional administrative expenses to effect annuity adjustments under 5 U.S.C. 8340, section 1(c) of Public Law 89-205 (79 Stat. 840) and section 1 of Public Law 89-314 (79 Stat. 1162): *Provided*, That \$700,000 of this appropriation shall be available to carry out the provisions of Executive Order 10422 of January 9, 1953, as amended, prescribing procedures for making available to the Secretary General of the United Nations, and the executive heads of other international organizations, certain information concerning United States citizens employed, or being considered for employment by such organizations, including advances or reimbursements to the applicable appropriations or funds of the Civil Service Commission and the Federal Bureau of Investigation for expenses incurred by such agencies under said Executive Order: *Provided further*, That members of the International Organizations Employees Loyalty Board may be paid actual transportation expenses, and per diem in lieu of subsistence under 5 U.S.C. 5702, while traveling on official business away from their homes or regular places of business, including periods while en route to and from and at the place where their services are to be performed.

No part of the appropriations herein made to the Civil Service Commission shall be available for the salaries and expenses of the Legal Examining Unit in the Examining and Personnel Utilization Division of the Commission, established pursuant to Executive Order 9358 of July 1, 1943.

ANNUITIES UNDER SPECIAL ACTS

For payment of annuities authorized by the Act of May 29, 1944, as amended (48 U.S.C. 1373a), and the Act of August 19, 1950, as amended (33 U.S.C. 771-775), \$1,350,000.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, \$40,748,000, to remain available until expended.

80 Stat. 416.

80 Stat. 403.
5 USC 1501-1508.

81 Stat. 218.

81 Stat. 215.

22 USC 287
note.

80 Stat. 498.

3 CFR 1943-1948 comp.,
p. 256.58 Stat. 257;
70 Stat. 607.
64 Stat. 465;
81 Stat. 518,
520.80 Stat. 599;
81 Stat. 219.
5 USC 8901-8913.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the estimated cost of new and increased annuity benefits, during the current fiscal year, as provided by part III of Public Law 87-793 (76 Stat. 868), \$72,000,000, to be credited to the civil service retirement and disability fund.

COMMISSION ON EXECUTIVE, LEGISLATIVE, AND JUDICIAL SALARIES

SALARIES AND EXPENSES

2 USC 351-361.

For necessary expenses of the Commission on Executive, Legislative, and Judicial Salaries, authorized by section 225 of the Postal Revenue and Federal Salary Act of 1967 (81 Stat. 642-645), \$100,000.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

80 Stat. 508;
81 Stat. 206.

For necessary expenses in performing the duties of the Commission as authorized by law, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); not to exceed \$41,000 for land and structures; not to exceed \$11,000 for improvement and care of grounds and repairs to buildings; not to exceed \$500 for official reception and representation expenses; special counsel fees; services as authorized by 5 U.S.C. 3109; and purchase of one passenger motor vehicle for replacement only, \$19,750,000.

80 Stat. 416.

FEDERAL POWER COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the work of the Commission, as authorized by law, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, and not to exceed \$500 for official reception and representation expenses, \$15,100,000.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), and services as authorized by 5 U.S.C. 3109, \$16,000,000: *Provided*, That no part of the foregoing appropriation shall be expended upon any investigation hereafter provided by concurrent resolution of the Congress until funds are appropriated subsequently to the enactment of such resolution to finance the cost of such investigation.

GENERAL SERVICES ADMINISTRATION

OPERATING EXPENSES, PUBLIC BUILDINGS SERVICE

For necessary expenses, not otherwise provided for, of real property management and related activities as provided by law; rental of buildings in the District of Columbia; restoration of leased premises; moving Government agencies (including space adjustments) in connection with the assignment, allocation, and transfer of building space; acquisition by purchase or otherwise of real estate and interests therein; and contractual services incident to cleaning or servicing

buildings and moving; \$275,000,000: *Provided*, That this appropriation shall be available to provide such fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to title 18, U.S.C. 3056.

REPAIR AND IMPROVEMENT OF PUBLIC BUILDINGS

For expenses, not otherwise provided for, necessary to alter public buildings and to acquire additions to sites pursuant to the Public Buildings Act of 1959 (73 Stat. 479) and to alter other Federally-owned buildings and to acquire additions to sites thereof, including grounds, approaches and appurtenances, wharves and piers, together with the necessary dredging adjacent thereto; and care and safeguarding of sites; preliminary planning of projects by contract or otherwise; maintenance, preservation, demolition, and equipment; \$80,000,000, to remain available until expended: *Provided*, That for the purposes of this appropriation, buildings constructed pursuant to the Public Buildings Purchase Contract Act of 1954 (40 U.S.C. 356) and the Post Office Department Property Act of 1954 (39 U.S.C. 2104 et seq.), and buildings under the control of another department or agency where alteration of such buildings is required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of General Services Administration shall be considered to be public buildings.

40 USC 601
note.

68 Stat. 518.

74 Stat. 590.

SITES AND EXPENSES, PUBLIC BUILDINGS PROJECTS

For an additional amount for expenses necessary in connection with the construction of public buildings projects not otherwise provided for, as specified under this head in the Independent Offices Appropriation Acts of 1959 and 1960, including preliminary planning of public buildings projects by contract or otherwise, \$10,995,000, to remain available until expended.

72 Stat. 1066;
73 Stat. 505.

PAYMENTS, PUBLIC BUILDINGS PURCHASE CONTRACTS

For payments of principal, interest, taxes, and any other obligations under contracts entered into pursuant to the Public Buildings Purchase Contract Act of 1954 (40 U.S.C. 356), \$2,400,000.

EXPENSES, UNITED STATES COURT FACILITIES

For necessary expenses, not otherwise provided for, to provide directly or indirectly, additional space for the United States Courts incident to expansion of facilities (including rental of buildings in the District of Columbia and elsewhere and moving and space adjustments), and furniture and furnishings, \$750,000.

OPERATING EXPENSES, FEDERAL SUPPLY SERVICE

For expenses, not otherwise provided, necessary for supply distribution, procurement, inspection, operation of the stores depot system (including contractual services incident to receiving, handling, and shipping warehouse items), and other supply management and related activities, as authorized by law, \$72,500,000.

OPERATING EXPENSES, NATIONAL ARCHIVES AND RECORDS SERVICE

For necessary expenses in connection with Federal records management and related activities, as provided by law, including reimbursement for security guard services, and contractual services incident to movement or disposal of records, \$18,300,000.

NATIONAL HISTORICAL PUBLICATIONS GRANTS

For allocation to Federal agencies, and for grants to State and local agencies and nonprofit organizations and institutions, for the collecting, describing, preserving and compiling, and publishing of documentary sources significant to the history of the United States, \$350,000, to remain available until expended.

OPERATING EXPENSES, TRANSPORTATION AND COMMUNICATIONS SERVICE

80 Stat. 416. For necessary expenses of transportation, communications, and other public utilities management and related activities, as provided by law, including services as authorized by 5 U.S.C. 3109, \$6,150,000.

OPERATING EXPENSES, PROPERTY MANAGEMENT AND DISPOSAL SERVICE

60 Stat. 596. For expenses, not otherwise provided for, necessary for carrying out the functions of the Administrator with respect to the utilization of excess property; the disposal of surplus property; the rehabilitation of personal property; the appraisal of real and personal property; the national stockpile established by the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98-98h); the supplemental stockpile established by section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456, as amended by 73 Stat. 607); the national industrial reserve established by the National Industrial Reserve Act of 1948 (50 U.S.C. 451-462); including services as authorized by 5 U.S.C. 3109, and reimbursement for security guard services, \$28,500,000, to be derived from proceeds from transfers of excess property, disposal of surplus property, and sales of stockpile materials: *Provided*, That during the current fiscal year the General Services Administration is authorized to acquire leasehold interests in property, for periods not in excess of twenty years, for the storage, security, and maintenance of strategic, critical, and other materials in the national and supplemental stockpiles provided said leasehold interests are at nominal cost to the Government: *Provided further*, That during the current fiscal year there shall be no limitation on the value of surplus strategic and critical materials which, in accordance with section 6 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e), may be transferred without reimbursement to the national stockpile: *Provided further*, That during the current fiscal year materials in the inventory maintained under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061-2166), and excess materials in the national stockpile and the supplemental stockpile, the disposition of which is authorized by law, shall be available, without reimbursement, for transfer at fair market value to contractors as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, or otherwise benefiting materials, or of rotating materials, pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b), and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2093(d)).

7 USC 1704
note.
62 Stat. 1225.
64 Stat. 798.
65 Stat. 134.

SALARIES AND EXPENSES, OFFICE OF ADMINISTRATOR

For expenses of executive direction for activities under the control of the General Services Administration, \$1,820,000: *Provided*, That not to exceed \$500 shall be available for reception and representation expenses.

ALLOWANCES AND OFFICE FACILITIES FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958 (72 Stat. 838), \$267,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of sections (a) and (e) of such Act.

81 Stat. 642.
3 USC 102 note.

EXPENSES, PRESIDENTIAL TRANSITION

For expenses necessary to carry out the provisions of the Presidential Transition Act of 1963 (3 U.S.C. 102, note), \$900,000, to remain available until June 30, 1970.

78 Stat. 153.

ADMINISTRATIVE OPERATIONS FUND

Funds available to General Services Administration for administrative operations, in support of program activities, shall be expended and accounted for, as a whole, through a single fund: *Provided*, That costs and obligations for such administrative operations for the respective program activities shall be accounted for in accordance with systems approved by the General Accounting Office: *Provided further*, That the total amount deposited into said account for the current fiscal year from funds made available to General Services Administration in this Act shall not exceed \$13,700,000: *Provided further*, That amounts deposited into said account for administrative operations for each program shall not exceed the amounts included in the respective program appropriations for such purposes.

GENERAL PROVISIONS

The appropriate appropriation or fund available to the General Services Administration shall be credited with (1) cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129); (2) reimbursements for services performed in respect to bonds and other obligations under the jurisdiction of the General Services Administration, issued by public authorities, States, or other public bodies, and such services in respect to such bonds or obligations as the Administrator deems necessary and in the public interest may, upon the request and at the expense of the issuing agencies, be provided from the appropriate foregoing appropriation; and (3) appropriations or funds available to other agencies, and transferred to the General Services Administration, in connection with property transferred to the General Services Administration pursuant to the Act of July 2, 1948 (50 U.S.C. 451ff), and such appropriations or funds may be so transferred, with the approval of the Bureau of the Budget.

61 Stat. 584.

62 Stat. 1225.
50 USC 451
note.

Appropriations to the General Services Administration under the heading "Construction, Public Buildings Projects" shall be available, subject to the provisions of the Public Buildings Act of 1959 for (1) acquisition of buildings and sites thereof by purchase, condemnation,

73 Stat. 479.
40 USC 601
note.

or otherwise, including prepayment of purchase contracts, (2) extension or conversion of Government-owned buildings, and (3) construction of new buildings, in addition to those set forth under that appropriation: *Provided*, That nothing herein shall authorize an expenditure of funds for acquisition, extension or conversion, or construction without the approval of the Committees on Appropriations of the Senate and House of Representatives.

Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

No part of any money appropriated by this or any other Act for any agency of the executive branch of the Government shall be used during the current fiscal year for the purchase within the continental limits of the United States of any typewriting machines except in accordance with regulations issued pursuant to the provisions of the Federal Property and Administrative Services Act of 1949, as amended.

Not to exceed 2 per centum of any appropriation made available to the General Services Administration for the current fiscal year by this Act may be transferred to any other such appropriation, but no such appropriation shall be increased thereby more than 2 per centum: *Provided*, That such transfers shall apply only to operating expenses, and shall not exceed in the aggregate the amount of \$2,000,000.

Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for (a) reimbursement to the General Services Administration for those expenses of renovation and alteration of buildings and facilities which constitute public improvements, performed in accordance with the Public Buildings Act of 1959 (73 Stat. 479) or other applicable law, and (b) transfer or reimbursement to applicable appropriations to said Administration for rents and related expenses, not otherwise provided for, of providing subject to Executive Order 11035, dated July 9, 1962, directly or indirectly, suitable general purpose space for any such department or agency, in the District of Columbia or elsewhere.

No part of any appropriation contained in this Act shall be used for the payment of rental on lease agreements for the accommodation of Federal agencies in buildings and improvements which are to be erected by the lessor for such agencies at an estimated cost of construction in excess of \$200,000 or for the payment of the salary of any person who executes such a lease agreement: *Provided*, That the foregoing proviso shall not be applicable to projects for which a prospectus for the lease construction of space has been submitted to the Congress and approval made in the same manner as for the public buildings construction projects pursuant to the Public Buildings Act of 1959.

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Interstate Commerce Commission, including services as authorized by 5 U.S.C. 3109, \$23,846,000, of which \$150,000 shall be available for valuation of pipelines: *Provided*, That Joint Board members and cooperating State commissioners may use Government transportation requests when traveling in connection with their duties as such.

63 Stat. 377.
40 USC 471
note.
Transfers of
funds.

40 USC 601
note.

40 USC 490
note.

80 Stat. 416.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, supplies, materials, equipment; maintenance, repair, and alteration of real and personal property; and purchase, hire, maintenance, and operation of other than administrative aircraft necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration, \$3,370,300,000, to remain available until expended.

CONSTRUCTION OF FACILITIES

For advance planning, design, and construction of facilities for the National Aeronautics and Space Administration, and for the acquisition or condemnation of real property, as authorized by law, \$21,800,000, to remain available until expended.

ADMINISTRATIVE OPERATIONS

For necessary expenses of operation of the National Aeronautics and Space Administration, not otherwise provided for, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); minor construction; supplies, materials, services, and equipment; awards; hire, maintenance and operation of administrative aircraft; purchase (not to exceed ten for replacement only) and hire of passenger motor vehicles; and maintenance, repair, and alteration of real and personal property; \$603,173,000: *Provided*, That contracts may be entered into under this appropriation for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

80 Stat. 508;
81 Stat. 206.

GENERAL PROVISIONS

Not to exceed 5 per centum of any appropriation made available to the National Aeronautics and Space Administration by this Act may be transferred to any other such appropriation.

Transfer of
funds.

Not to exceed \$35,000 of the appropriation "Administrative Operations" in this Act for the National Aeronautics and Space Administration shall be available for scientific consultations or extraordinary expense, to be expended upon the approval or authority of the Administrator and his determination shall be final and conclusive.

Scientific con-
sultations, etc.

NATIONAL SCIENCE FOUNDATION

SALARIES AND EXPENSES

For expenses necessary to carry out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875) Title IX of the National Defense Education Act of 1958 (42 U.S.C. 1876-1879), the National Sea Grant Colleges and Program Act of 1966 (80 Stat. 998), and the Act to establish a National Medal of Science (42 U.S.C. 1880-1881), including award of graduate fellowships; services as authorized by 5 U.S.C. 3109; maintenance and operation of three aircraft and purchase of flight services for research

64 Stat. 149.

72 Stat. 1601.

33 USC 1121

note.

73 Stat. 431.

80 Stat. 416.

80 Stat. 508;
81 Stat. 206.

support; hire of passenger motor vehicles; not to exceed \$2,500 for official reception and representation expenses; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); rental of conference rooms in the District of Columbia; and reimbursement of the General Services Administration for security guard services; \$400,000,000, to remain available until expended: *Provided*, That of the foregoing amount not less than \$37,600,000 shall be available for tuition, grants, and allowances in connection with a program of supplementary training for secondary school science and mathematics teachers: *Provided further*, That receipts for scientific support services and materials furnished by the National Research Centers may be credited to this appropriation: *And provided further*, That if an institution of higher education receiving funds hereunder determines after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has, after the date of enactment of this Act, willfully refused to obey a lawful regulation or order of such institution and that such refusal was of a serious nature and contributed to the disruption of the administration of such institution, then the institution shall deny any further payment to, or for the benefit of, such individual.

RENEGOTIATION BOARD

SALARIES AND EXPENSES

80 Stat. 416.

For necessary expenses of the Renegotiation Board, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, \$3,000,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), and services as authorized by 5 U.S.C. 3109, \$17,830,000.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

81 Stat. 100.
50 USC app.
451.

80 Stat. 432.
5 USC 4101-
4118 and notes.

For expenses necessary for the operation and maintenance of the Selective Service System, as authorized by title I of the Military Selective Service Act of 1967 (62 Stat. 604), as amended, including services as authorized by 5 U.S.C. 3109; expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by law (5 U.S.C. 2301-2318) for civilian employees; hire of motor vehicles; purchase of thirteen passenger motor vehicles for replacement only; not to exceed \$71,000 for the National Selective Service Appeal Board; and \$60,000 for the National Advisory Committee on the Selection of Physicians, Dentists, and Allied Specialists; \$63,568,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of subsection (c) of section 3679 of the Revised Statutes, as amended, whenever he deems such action to be necessary in the interest of national defense.

31 USC 665.

VETERANS ADMINISTRATION

COMPENSATION AND PENSIONS

For the payment of compensation, pensions, gratuities, and allowances, including burial awards, burial flags, subsistence allowances for vocational rehabilitation, emergency and other officers' retirement pay, adjusted-service credits and certificates, as authorized by law; and for payment of amounts of compromises or settlements under 28 U.S.C. 2677 of tort claims potentially subject to the offset provisions of 38 U.S.C. 351, \$4,654,336,000, to remain available until expended.

80 Stat. 307.
72 Stat. 1124;
76 Stat. 950.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 31 (except section 1504), and 33-39), \$612,000,000, to remain available until expended.

72 Stat. 1167;
80 Stat. 12-28.
38 USC 801,
1501-1905.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, and service-disabled veterans insurance, to remain available until expended, \$11,850,000, of which \$2,500,000 shall be derived from the Veterans Special Term Insurance Fund.

MEDICAL CARE

For expenses necessary for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Veterans Administration including care and treatment in facilities not under the jurisdiction of the Veterans Administration, and furnishing recreational facilities, supplies and equipment; maintenance and operation of farms and burial grounds; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Veterans Administration, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowance therefor as authorized by law (5 U.S.C. 5901-5902); and aid to State homes as authorized by law (38 U.S.C. 641): \$1,420,264,000, plus reimbursements: *Provided*, That allotments and transfers may be made from this appropriation to the Public Health Service of the Department of Health, Education, and Welfare, and the Army, Navy, and Air Force of the Department of Defense, for disbursements by them under the various headings of their applicable appropriations, of such amounts as are necessary for the care and treatment of beneficiaries of the Veterans Administration.

80 Stat. 508;
81 Stat. 206.
78 Stat. 500.

MEDICAL AND PROSTHETIC RESEARCH

For expenses necessary for carrying out programs of medical and prosthetic research and development, as authorized by law, to remain available until expended, \$46,850,000.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For expenses necessary for administration of the medical, hospital, domiciliary, construction and supply, research, employee education and training activities, as authorized by law, and for carrying out the provisions of section 5055, title 38, United States Code, relating to

80 Stat. 1375.

pilot programs and grants for exchange of medical information, \$14,200,000.

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Veterans Administration, not otherwise provided for, including uniforms or allowances therefor, as authorized by law; not to exceed \$1,000 for official reception and representation expenses; purchase of one passenger motor vehicle (medium sedan for replacement only) and hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services; \$195,000,000: *Provided*, That no part of this appropriation shall be used to pay in excess of twenty-two persons engaged in public relations work.

CONSTRUCTION OF HOSPITAL AND DOMICILIARY FACILITIES

For hospital and domiciliary facilities, for planning and for major alterations, improvements, and repairs and extending any of the facilities under the jurisdiction of the Veterans Administration or for any of the purposes set forth in sections 5001, 5002, and 5004, title 38, United States Code, including necessary expenses of administration, \$7,926,000, to remain available until expended.

72 Stat. 1251;
80 Stat. 1372.

GRANTS FOR CONSTRUCTION OF STATE NURSING HOMES

For grants to assist the several States to construct State home facilities for furnishing nursing home care to veterans, as authorized by law (38 U.S.C. 5031-5037), \$4,000,000, to remain available until June 30, 1971.

78 Stat. 501.

GRANTS TO THE REPUBLIC OF THE PHILIPPINES

For payment to the Republic of the Philippines of grants, as authorized by law (38 U.S.C. 631-634), \$1,776,000.

72 Stat. 1145;
80 Stat. 859.

LOAN GUARANTY REVOLVING FUND

During the current fiscal year, the Loan guaranty revolving fund shall be available for expenses, but not to exceed \$450,000,000, for property acquisitions and other loan guaranty and insurance operations under Chapter 37, title 38, United States Code, except administrative expenses, as authorized by section 1824 of such title: *Provided*, That the unobligated balances including retained earnings of the Direct loan revolving fund shall be available, during the current fiscal year, for transfer to the Loan guaranty revolving fund in such amounts as may be necessary to provide for the timely payment of obligations of such fund and the Administrator of Veterans Affairs shall not be required to pay interest on amounts so transferred after the time of such transfer.

72 Stat. 1203;
80 Stat. 26.
38 USC 1801-
1826.
74 Stat. 533.

PAYMENT OF PARTICIPATION SALES INSUFFICIENCIES

For the payment of such insufficiencies as may be required by the Federal National Mortgage Association, as trustee, on account of outstanding beneficial interests or participations in Direct Loan Revolving Fund assets or Loan Guaranty Revolving Fund assets authorized by law to be issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act, as amended, \$9,505,000.

78 Stat. 800;
80 Stat. 164,
1236.
12 USC 1717.

ADMINISTRATIVE PROVISIONS

Not to exceed 5 per centum of any appropriation for the current fiscal year for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations, but not to exceed 10 per centum of the appropriations so augmented.

Appropriations available to the Veterans Administration for the current fiscal year for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

80 Stat. 416.

The appropriation available to the Veterans Administration for the current fiscal year for "Medical care" shall be available for funeral, burial, and other expenses incidental thereto (except burial awards authorized by 38 U.S.C. 902), for beneficiaries of the Veterans Administration receiving care under such appropriations.

72 Stat. 1169;
80 Stat. 29.

No part of the appropriations in this Act for the Veterans Administration (except the appropriation for "Construction of hospital and domiciliary facilities") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

No part of the foregoing appropriations shall be available for hospitalization or examination of any persons except beneficiaries entitled under the laws bestowing such benefits to veterans, unless reimbursement of cost is made to the appropriation at such rates as may be fixed by the Administrator of Veterans Affairs.

DEPARTMENT OF DEFENSE

CIVIL DEFENSE

OPERATION AND MAINTENANCE

For expenses, not otherwise provided for, necessary for carrying out civil defense activities, including the hire of motor vehicles; and financial contributions to the States for civil defense purposes, as authorized by law, \$48,040,000, and in addition, \$500,000 which shall be derived by transfer from Civil Defense Procurement Fund established by the Third Supplemental Appropriation Act, 1951 (50 U.S.C. App. 2264): *Provided*, That not to exceed \$19,100,000 shall be available for allocation under section 205 of the Federal Civil Defense Act of 1950, as amended.

65 Stat. 61.

72 Stat. 533;
78 Stat. 231.
50 USC app.
2286.

RESEARCH, SHELTER SURVEY AND MARKING

For expenses, not otherwise provided for, necessary for studies and research to develop measures and plans for civil defense; and continuing shelter surveys, marking, stocking, and equipping surveyed spaces; \$12,500,000, to remain available until expended.

GENERAL PROVISIONS—CIVIL DEFENSE

Appropriations contained in this Act for carrying out civil defense activities shall not be available in excess of the limitations on appropriations contained in section 408 of the Federal Civil Defense Act, as amended (50 U.S.C. App. 2260).

64 Stat. 1257;
72 Stat. 534.

No part of any appropriation in this Act shall be available for the construction of warehouses or for the lease of warehouse space in any building which is to be constructed specifically for civil defense activities.

TITLE II
DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT

RENEWAL AND HOUSING ASSISTANCE

HOUSING FOR THE ELDERLY OR HANDICAPPED FUND

73 Stat. 667;
79 Stat. 457.

For the revolving fund established pursuant to section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q et seq.), \$25,000,000, to remain available until expended.

ALASKA HOUSING

42 USC 3371.

For assistance in the provision of housing and related facilities for Alaska natives and other Alaska residents, as authorized by section 1004 of the Demonstration Cities and Metropolitan Development Act of 1966 (80 Stat. 1284-1285), \$1,000,000.

GRANTS FOR NEIGHBORHOOD FACILITIES

79 Stat. 491.

For grants authorized by section 703 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3103), \$35,000,000, to remain available until expended.

LOW RENT PUBLIC HOUSING ANNUAL CONTRIBUTIONS

50 Stat. 891.

For the payment of annual contributions to public housing agencies in accordance with section 10 of the United States Housing Act of 1937, as amended (42 U.S.C. 1410), \$350,000,000.

URBAN RENEWAL PROGRAMS

63 Stat. 414;
68 Stat. 622;
79 Stat. 457, 477.
68 Stat. 629;
78 Stat. 792.

For grants for urban renewal, fiscal year 1970, as an additional amount for urban renewal programs, as authorized by title I of the Housing Act of 1949, as amended (42 U.S.C. 1450 et seq.) and section 314 of the Housing Act of 1954, as amended (42 U.S.C. 1452a), \$750,000,000, to remain available until expended: *Provided*, That no part of any appropriation in this Act shall be used for administrative expenses in connection with commitments for grants aggregating more than the total of amounts available in the current year from the amounts authorized for making such commitments through June 30, 1968, plus the additional amounts appropriated therefor.

SALARIES AND EXPENSES

For necessary administrative expenses of programs of renewal and housing assistance, not otherwise provided for, \$34,000,000.

METROPOLITAN DEVELOPMENT

URBAN PLANNING GRANTS

For an additional amount for "Urban planning grants", \$43,838,000, to remain available until expended.

OPEN SPACE LAND PROGRAMS

For grants as authorized by title VII of the Housing Act of 1961, as amended (42 U.S.C. 1500–1500e), and the provision of technical assistance to State and local public bodies (including the undertaking of studies and publication of information), \$75,000,000, to remain available until expended: *Provided*, That no part of any appropriation in this Act shall be used for administrative expenses in connection with commitments entered into during the current fiscal year for grants aggregating more than the total amounts available in the current year from amounts heretofore appropriated for making such commitments through June 30, 1967, plus the additional amount appropriated herein: *Provided further*, That no part of this appropriation may be used for financing a grant in excess of 50 per centum of the cost of any activity or project.

75 Stat. 183;
79 Stat. 494;
80 Stat. 1279.

GRANTS FOR BASIC WATER AND SEWER FACILITIES

For grants authorized by section 702 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3102), \$165,000,000, to remain available until expended.

79 Stat. 490.

SALARIES AND EXPENSES

For necessary administrative expenses of programs of metropolitan development, not otherwise provided for, \$7,000,000.

DEMONSTRATIONS AND INTERGOVERNMENTAL RELATIONS

MODEL CITIES PROGRAMS

For financial assistance and administrative expenses in connection with planning and carrying out comprehensive city demonstration programs, as authorized by title I of the Demonstration Cities and Metropolitan Development Act of 1966 (80 Stat. 1255–1261), including \$312,500,000 for grants for urban renewal projects within approved city demonstration programs, to be transferred to and merged with the appropriation “Urban renewal programs” for the fiscal year 1969 in accordance with and subject to the provisions of section 113 of said Act, \$625,000,000: *Provided*, That the amount appropriated herein for other than urban renewal programs shall remain available until June 30, 1970.

42 USC 3301-
3313.

80 Stat. 1260.
42 USC 1453.

COMMUNITY DEVELOPMENT TRAINING PROGRAMS

For matching grants to States for training and related activities, and for expenses of providing technical assistance to State and local governmental or public bodies (including studies and publication of information), as authorized by title VIII of the Housing Act of 1964 (20 U.S.C. 801–805), \$3,000,000.

78 Stat. 802.

FELLOWSHIPS FOR CITY PLANNING AND URBAN STUDIES

For fellowships for city planning and urban studies as authorized by section 810 of the Housing Act of 1964 (20 U.S.C. 811), \$500,000.

81 Stat. 167.

SALARIES AND EXPENSES

For necessary administrative expenses of programs of demonstrations and intergovernmental relations, not otherwise provided for, \$1,400,000, together with not to exceed \$6,000,000 to be derived from the appropriation for “Model cities programs”: *Provided*, That no part of this or any other appropriation in this Act may be used to

provide metropolitan expeditors, or for the administration or implementation of section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 (Public Law 89-754).

80 Stat. 1262.
42 USC 3334.

URBAN RESEARCH AND TECHNOLOGY

For necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by law (12 U.S.C. 1701d-3; 1701e; 1701f; 79 Stat. 668; 80 Stat. 1286-1287), \$11,000,000: *Provided*, That not to exceed \$500,000 of the foregoing amount shall be available for administrative expenses.

70 Stat. 1113;
63 Stat. 431.
42 USC 3531 et
seq., 3372, 3373.

LOW INCOME HOUSING DEMONSTRATION PROGRAMS

For low income housing demonstration programs pursuant to section 207 of the Housing Act of 1961, as amended (42 U.S.C. 1436), \$2,000,000: *Provided*, That no part of any appropriation in this Act shall be available for administrative expenses in connection with contracts to make grants in excess of the amount herein appropriated.

75 Stat. 165;
79 Stat. 503.

MORTGAGE CREDIT

RENT SUPPLEMENT PROGRAM

For rent supplement payments authorized by section 101 of the Housing and Urban Development Act of 1965, \$12,000,000: *Provided*, That the limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under such section is increased by \$30,000,000: *Provided further*, That no part of the foregoing appropriation or contract authority shall be used for incurring any obligation in connection with any dwelling unit or project which is not either part of a workable program for community improvement meeting the requirements of section 101(c) of the Housing Act of 1949, as amended (42 U.S.C. 1451(c)), or which is without local official approval for participation in this program.

79 Stat. 451.
12 USC 1701s.

68 Stat. 623.

For necessary administrative expenses of the Federal Housing Administration in carrying out functions under section 101 of the Housing and Urban Development Act of 1965, delegated by the Secretary, \$1,350,000.

DEPARTMENTAL MANAGEMENT

GENERAL ADMINISTRATION

For necessary administrative expenses of the Secretary, not otherwise provided for, in overall program planning and direction in the Department, including not to exceed \$2,500 for official reception and representation expenses, \$6,000,000.

REGIONAL MANAGEMENT AND SERVICES

For necessary administrative expenses, not otherwise provided for, of management and program coordination in the regional offices of the Department, \$6,500,000.

PAYMENT OF PARTICIPATION SALES INSUFFICIENCIES

For the payment of such insufficiencies as may be required by the Federal National Mortgage Association, as trustee, on account of outstanding beneficial interests or participations in assets of the Department of Housing and Urban Development (including the Federal

National Mortgage Association) authorized by law to be issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act, as amended, \$47,638,000.

78 Stat. 800;
80 Stat. 164, 1236.
12 USC 1717.

GENERAL PROVISIONS

SEC. 102. Where appropriations in this title are expendable for travel expenses of employees and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed in connection with the investigation of aircraft accidents by the Civil Aeronautics Board; to travel performed directly in connection with care and treatment of medical beneficiaries of the Veterans Administration; or to payments to interagency motor pool where separately set forth in the budget schedules.

Travel ex-
penses.

SEC. 103. No part of any appropriation contained in this title shall be available to pay the salary of any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service and has within ninety days after his release from such service or from hospitalization continuing after discharge for a period of not more than one year made application for restoration to his former position and has been certified by the Civil Service Commission as still qualified to perform the duties of his former position and has not been restored thereto.

Positions of em-
ployees entering
Armed Forces.

SEC. 104. No part of any appropriation made available by the provisions of this title shall be used for the purchase or sale of real estate or for the purpose of establishing new offices outside the District of Columbia: *Provided*, That this limitation shall not apply to programs which have been approved by the Congress and appropriations made therefor.

Real estate
purchase or sale,
restriction.

TITLE III—CORPORATIONS

The following corporations and agencies, respectively, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Budget for the current fiscal year for each such corporation or agency, except as herein-after provided:

61 Stat. 584.
31 USC 849.

FEDERAL HOME LOAN BANK BOARD

LIMITATION ON ADMINISTRATIVE AND NONADMINISTRATIVE EXPENSES, FEDERAL HOME LOAN BANK BOARD

Not to exceed a total of \$5,000,000 shall be available for administrative expenses of the Federal Home Loan Bank Board, which may procure services as authorized by 5 U.S.C. 3109, and contracts for such services with one organization may be renewed annually, and uniforms or allowances therefor in accordance with law (5 U.S.C. 5901-5902), and said amount shall be derived from funds available to the Federal Home Loan Bank Board, including those in the Federal Home Loan Bank Board revolving fund and receipts of the Board for the current fiscal year and prior fiscal years, and the Board may

80 Stat. 416.

80 Stat. 508;
81 Stat. 206.

47 Stat. 729.
 80 Stat. 1028.
 12 USC 1426,
 1464.
 80 Stat. 1036;
 73 Stat. 691.
 12 USC 1730,
 1730a.

utilize and may make payment for services and facilities of the Federal home-loan banks, the Federal Reserve banks, the Federal Savings and Loan Insurance Corporation, and other agencies of the Government (including payment for office space): *Provided*, That all necessary expenses in connection with the conservatorship of institutions insured by the Federal Savings and Loan Insurance Corporation or activities relating to section 6(i) of the Federal Home Loan Bank Act, section 5(d) of the Home Owners' Loan Act of 1933, or section 407 or 408 of the National Housing Act and all necessary expenses (including services performed on a contract or fee basis, but not including other personal services) in connection with the handling, including the purchase, sale, and exchange, of securities on behalf of Federal home-loan banks, and the sale, issuance, and retirement of, or payment of interest on, debentures or bonds, under the Federal Home Loan Bank Act, as amended, shall be considered as nonadministrative expenses for the purposes hereof: *Provided further*, That members and alternates of the Federal Savings and Loan Advisory Council shall be entitled to reimbursement from the Board as approved by the Board for transportation expenses incurred in attendance at meetings of or concerned with the work of such Council and may be paid not to exceed \$25 per diem in lieu of subsistence: *Provided further*, That expenses of any functions of supervision (except of Federal home-loan banks) vested in or exercisable by the Board shall be considered as nonadministrative expenses: *Provided further*, That not to exceed \$1,000 shall be available for official reception and representation expenses: *Provided further*, That, notwithstanding any other provisions of this Act, except for the limitation in amount hereinbefore specified, the administrative expenses and other obligations of the Board shall be incurred, allowed, and paid in accordance with the provisions of the Federal Home Loan Bank Act of July 22, 1932, as amended (12 U.S.C. 1421-1449): *Provided further*, That the nonadministrative expenses (except those included in the first proviso hereof) for the supervision and examination of Federal and State chartered institutions (other than special examinations determined by the Board to be necessary) shall not exceed \$14,396,000.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Not to exceed \$340,000 shall be available for administrative expenses, which shall be on an accrual basis and shall be exclusive of interest paid, depreciation, properly capitalized expenditures, expenses in connection with liquidation of insured institutions or activities relating to section 407 or 408 of the National Housing Act, liquidation or handling of assets of or derived from insured institutions, payment of insurance, and action for or toward the avoidance, termination, or minimizing of losses in the case of insured institutions, legal fees and expenses, and payments for expenses of the Federal Home Loan Bank Board determined by said Board to be properly allocable to said Corporation, and said Corporation may utilize and may make payments for services and facilities of the Federal home-loan banks, the Federal Reserve banks, the Federal Home Loan Bank Board, and other agencies of the Government: *Provided*, That, notwithstanding any other provisions of this Act, except for the limitation in amount hereinbefore specified, the administrative expenses and other obligations of said Corporation shall be incurred, allowed and paid in accordance with title IV of the Act of June 27, 1934, as amended (12 U.S.C. 1724-1730b).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

LIMITATION ON ADMINISTRATIVE EXPENSES, HOUSING FOR THE ELDERLY OR HANDICAPPED

Not to exceed \$1,272,000 of funds in the revolving fund established pursuant to section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q et seq.), shall be available for administrative expenses.

73 Stat. 667;
79 Stat. 457.

LIMITATION ON ADMINISTRATIVE EXPENSES, COLLEGE HOUSING LOANS

Not to exceed \$2,275,000 shall be available for all administrative expenses of carrying out the program of housing loans to educational institutions (12 U.S.C. 1749-1749d).

64 Stat. 77;
77 Stat. 437.

LIMITATION ON ADMINISTRATIVE EXPENSES, PUBLIC FACILITY LOANS

Not to exceed \$1,227,000 of funds in the revolving fund established pursuant to title II of the Housing Amendments of 1955, as amended, shall be available for administrative expenses.

69 Stat. 642.
42 USC 1491-
1497.

LIMITATION ON ADMINISTRATIVE EXPENSES, REVOLVING FUND (LIQUIDATING PROGRAMS)

During the current fiscal year not to exceed \$100,000 shall be available for administrative expenses, but this amount shall be exclusive of expenses necessary in the case of defaulted obligations to protect the interests of the Government.

LIMITATION ON ADMINISTRATIVE AND NONADMINISTRATIVE EXPENSES, FEDERAL HOUSING ADMINISTRATION

For administrative expenses in carrying out duties imposed by or pursuant to law, not to exceed \$11,675,000 of the various funds of the Federal Housing Administration shall be available, in accordance with the National Housing Act, as amended (12 U.S.C. 1701): *Provided*, That funds shall be available for contract actuarial services (not to exceed \$1,500): *Provided further*, That nonadministrative expenses classified by section 2 of Public Law 387, approved October 25, 1949, shall not exceed \$93,000,000.

48 Stat. 1246.

63 Stat. 905.
12 USC 1702.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL NATIONAL MORTGAGE ASSOCIATION

Not to exceed \$10,000,000 shall be available for administrative expenses, which shall be on accrual basis, and shall be exclusive of interest paid, expenses (including expenses for fiscal agency services performed on a contract or fee basis) in connection with the issuance and servicing of securities, depreciation, properly capitalized expenditures, fees for servicing mortgages, expenses (including services performed on a force account, contract or fee basis, but not including other personal services) in connection with the acquisition, protection, operation, maintenance, improvement, or disposition of real or personal property belonging to said Association or in which it has an interest, cost of salaries, wages, travel, and other expenses of persons employed outside of the continental United States, and all administrative expenses reimbursable from other Government agencies: *Provided*, That the distribution of administrative expenses to the accounts of the Association shall be made in accordance with generally recognized accounting principles and practices.

ADMINISTRATIVE EXPENSES, LOW RENT PUBLIC HOUSING

50 Stat. 888.

Administrative expenses of carrying out the provisions of the United States Housing Act of 1937, as amended (42 U.S.C. 1401-1433) shall be provided for from amounts appropriated therefor in this Act, except that necessary expenses of providing representatives at the sites of non-Federal projects in connection with the construction of such projects by public housing agencies with aid under the United States Housing Act of 1937, as amended, shall be compensated by such agencies by the payment of fixed fees which in the aggregate will cover the costs of rendering such services, and expenditures for such purpose shall be considered nonadministrative expenses, and funds received from such payments may be used only for the payment of necessary expenses of providing such representatives.

TITLE IV—GENERAL PROVISIONS

Publicity or
propaganda.

SEC. 301. No part of any appropriation contained in this Act, or of the funds available for expenditure by any corporation or agency included in this Act, shall be used for publicity or propaganda purposes designed to support or defeat legislation pending before the Congress.

Personnel work.

SEC. 302. No part of any appropriation contained in this Act, or of the funds available for expenditure by any corporation or agency included in this Act, shall be used to pay the compensation of any employee engaged in personnel work in excess of the number that would be provided by a ratio of one such employee to one hundred and thirty-five, or a part thereof, full-time, part-time, and intermittent employees of the corporation or agency concerned: *Provided*, That for purposes of this section employees shall be considered as engaged in personnel work if they spend half-time or more in personnel administration consisting of direction and administration of the personnel program; employment, placement, and separation; job evaluation and classification; employee relations and services; wage administration; and processing, recording, and reporting.

Uniforms, etc.

80 Stat. 508;
81 Stat. 206.

SEC. 303. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

80 Stat. 416.
Legal and bank-
ing services.

SEC. 304. Funds made available for the Department of Housing and Urban Development under title III of this Act shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Federal Reserve banks or any member thereof, Federal home-loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1831).

64 Stat. 873.
Research
projects.

SEC. 305. None of the funds provided herein shall be used to pay any recipient of a grant for the conduct of a research project an amount equal to as much as the entire cost of such project.

SEC. 306. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Interdepart-
mental groups,
expenses.

SEC. 307. None of the funds in this Act shall be available to finance interdepartmental boards, commissions, councils, committees, or similar groups under sec. 214 of the Independent Offices Appropriation

Act, 1946 (31 U.S.C. 691) which do not have prior and specific Congressional approval of such method of financial support, except that during the fiscal year 1969, appropriations of interested departments and agencies made in this and other appropriation Acts shall be available, in aggregate amounts not to exceed those listed herein, for contributions toward expenses of the following committees: President's Council on Youth Opportunity, \$357,000; Interagency Committee on Mexican-American Affairs, \$485,000; U.S.—Mexico Commission for Border Development and Friendship, \$300,000; National Council on Indian Opportunity, \$100,000.

59 Stat. 134.

SEC. 308. No part of the funds appropriated by this Act shall be used to pay the salary of any Federal employee who is convicted in any Federal, State, or local court of competent jurisdiction, of inciting, promoting, or carrying on a riot, or any group activity resulting in material damage to property or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned.

Payments prohibited to convicted rioters.

This Act may be cited as the "Independent Offices and Department of Housing and Urban Development Appropriation Act, 1969".

Short title.

Approved October 4, 1968.

Public Law 90-551

AN ACT

To extend the provisions of the Commercial Fisheries Research and Development Act of 1964.

October 4, 1968

[S. 3866]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(a) of the Commercial Fisheries Research and Development Act of 1964 (16 U.S.C. 779b(a)), is amended by changing the words "for the next fiscal year beginning after the date of enactment of this Act, and for the four" to "for the fiscal year beginning July 1, 1969, and for the three".

Commercial Fisheries Research and Development Act of 1964, amendment. 78 Stat. 197.

SEC. 2. Section 4(c) of the Commercial Fisheries Research and Development Act of 1964 is amended by changing the words "for the fiscal year beginning after the date of enactment of this Act," to "for the fiscal year beginning July 1, 1969,".

SEC. 3. Section 4(b) of the Commercial Fisheries Research and Development Act of 1964 is amended by changing the words "for the next fiscal year beginning after the date of enactment of this Act, and for the succeeding fiscal year, \$400,000 in each such year, and for the next three succeeding fiscal years, \$650,000 in each such year," to "for the fiscal year beginning July 1, 1969, and for the three succeeding fiscal years, \$650,000 in each such year,".

SEC. 4. The provisions of this Act shall be effective July 1, 1969.

Effective date.

Approved October 4, 1968.

Public Law 90-552

October 8, 1968
[S. 3068]

AN ACT

To amend the Food Stamp Act of 1964, as amended.

Food Stamp Act
of 1964, amend-
ment.

78 Stat. 709;
81 Stat. 228.
7 USC 2025.

Report to
Congress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 16 of the Food Stamp Act of 1964 is amended (A) by deleting from the first sentence the phrase "not in excess of \$225,000,000 for the fiscal year ending June 30, 1969" and inserting in lieu thereof the following: "not in excess of \$315,000,000 for the fiscal year ending June 30, 1969; not in excess of \$340,000,000 for the fiscal year ending June 30, 1970; not in excess of \$170,000,000 for the six months ending December 31, 1970"; (B) by changing the word "year" at the end of such first sentence to "period"; and (C) by adding at the end of the subsection the following sentence: "On or before January 20 of each year, the Secretary shall submit to Congress a report setting forth operations under this Act during the preceding calendar year and projecting needs for the ensuing calendar year."

Approved October 8, 1968.

Public Law 90-553

October 8, 1968
[H. R. 16175]

AN ACT

To authorize the transfer, conveyance, lease, and improvement of, and construction on, certain property in the District of Columbia, for use as a headquarters site for the Organization of American States, as sites for governments of foreign countries, and for other purposes.

Organization of
American States
headquarters and
chancery sites.
Transfer of
property.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to facilitate the conduct of foreign relations by the Department of State in Washington, District of Columbia, through the creation of a more propitious atmosphere for the establishment of foreign government and international organization offices and other facilities, the Secretary of State is authorized to sell or lease to foreign governments and international organizations property owned by the United States in the Northwest section of the District of Columbia bounded by Connecticut Avenue, Van Ness Street, Reno Road, and Tilden Street, upon such terms and conditions as he may prescribe. Every lease, contract of sale, deed, and other document of transfer shall provide (a) that the foreign government shall devote the property transferred to use for legation purposes, or (b) that the international organization shall devote the property transferred to its official uses.

SEC. 2. (a) The Secretary of State is hereby authorized to transfer or convey to the Organization of American States, without monetary consideration, all right, title, and interest to a parcel of land not to exceed eight acres, to be selected by the Secretary of State, within the area described in section 1 of this Act. The deed conveying such property shall provide that the Organization of American States shall use the property solely as a site for a headquarters building and related improvements, and shall contain such other terms and conditions as he may prescribe.

(b) The conveyance authorized by section 2(a) of this Act shall not be made until the Organization of American States has agreed that it will transfer or convey, without monetary consideration, all right, title, and interest of the Organization of American States in the building and other improvements on the property known as lot 802 in square 147 in the District of Columbia to the United States as soon as the site referred to in section 2(a) is developed for use as a headquarters. The agreement provided for in this subsection shall be in such form as may be satisfactory to the Secretary of State.

(c) If so requested by the Organization of American States, and with funds provided in advance by the Organization of American States, the Administrator of General Services is hereby authorized to design, construct, and equip a headquarters building for the Organization of American States on the property conveyed to it pursuant to section 2(a) of this Act.

SEC. 3. The Secretary of State is hereby authorized to transfer or convey to the Organization of American States, without monetary consideration, all right, title, and interest of the United States in and to the property known as lot 800 in square south 173 in the District of Columbia and the buildings and other improvements on such property for use by the Organization of American States.

SEC. 4. The Act of June 20, 1938 (D.C. Code, 1967 ed., secs. 5-413 or 5-428) shall not apply to buildings constructed on property transferred or conveyed pursuant to section 1, 2(a), or 3 of this Act: *Provided*, That each transferee or grantee of property so transferred or conveyed shall comply with all other applicable District of Columbia codes and regulations relating to building construction, equipment, and maintenance. Plans showing the location, height, bulk, number of stories, and size of, and the provisions for open space and offstreet parking in and around, such buildings shall be approved by the National Capital Planning Commission, and plans showing the height and appearance, color, and texture of the materials of exterior construction of such buildings shall be approved by the Commission of Fine Arts prior to the construction thereof.

Zoning regulations, exception.
52 Stat. 797.

Construction plans, approval by Commission.

SEC. 5. The construction, reconstruction, relocation, and rebuilding of (a) public streets and sidewalks, (b) public sewers and their appurtenances, (c) water mains, fire hydrants, and other parts of the public water supply and distribution system, and (d) the fire alarm system, which are within the area described in section 1 of this Act and which are occasioned in carrying out the provisions of this Act, shall be provided by the Secretary of State, in coordination with the Administrator of General Services and the government of the District of Columbia.

Streets, water system, etc.

SEC. 6. The costs of carrying out the purposes of section 5 of this Act shall be funded from the proceeds of the sale or lease of property to foreign governments and international organizations as provided for in the first section of this Act. All proceeds received from such sales or leases shall, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484) or any other law, be paid into a special account with the Treasurer of the United States, such account to be administered by the Secretary of State for the purposes set out in section 5 of this Act. All sums remaining in such special account after completion of the projects authorized in section 5 shall be covered into the Treasury as miscellaneous receipts.

Financing.

Approved October 8, 1968.

Public Law 90-554

October 8, 1968
[H. R. 15263]

AN ACT

To amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Foreign Assist-
ance Act of 1968.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foreign Assistance Act of 1968".

PART I

CHAPTER 2—DEVELOPMENT ASSISTANCE

TITLE I—DEVELOPMENT LOAN FUND

SEC. 101. Title I of chapter 2 of part I of the Foreign Assistance Act of 1961, as amended, which relates to the Development Loan Fund, is amended as follows:

(a) Section 201(d), which relates to rates of interest, is amended as follows:

(1) Strike out "1967" and substitute "1968".

(2) Strike out "2½ per centum" and substitute "3 per centum".

(b) Section 202(a), which relates to authorization, is amended as follows:

(1) After "year 1967", strike out "and" and substitute a comma.

(2) After "year 1968," insert "and \$350,000,000 for the fiscal year 1969".

(3) Strike out "years ending June 30, 1967, through June 30, 1968, respectively" and substitute "year ending June 30, 1969".

TITLE II—TECHNICAL COOPERATION AND DEVELOPMENT GRANTS

SEC. 102. Title II of chapter 2 of part I of the Foreign Assistance Act of 1961, as amended, which relates to technical cooperation and development grants, is amended as follows:

(a) Section 211(d), which relates to availability of funds for certain research and educational institutions, is amended by inserting "in any fiscal year" immediately after "funds made available".

(b) Section 212, which relates to authorization, is amended by striking out "\$210,000,000 for the fiscal year 1968" and substituting "\$200,000,000 for the fiscal year 1969".

(c) Section 214, which relates to American schools and hospitals abroad, is amended as follows:

(1) In subsection (c) strike out "1968, \$14,000,000" and substitute "1969, \$14,600,000".

(2) In subsection (d) strike out "1968, \$2,986,000" and substitute "1969, \$5,100,000".

TITLE III—INVESTMENT GUARANTIES

SEC. 103. (a) Section 221(b) of title III of chapter 2 of part I of the Foreign Assistance Act of 1961, as amended, which relates to general authority for investment guaranties, is amended as follows:

(1) In the proviso of paragraph (1), strike out "\$8,000,000,000" and substitute "\$8,500,000,000".

(2) Paragraph (2) is amended as follows:

(A) In the third proviso, strike out "\$475,000,000" and "\$315,000,000" and substitute "\$550,000,000" and "\$390,000,000", respectively.

78 Stat. 1009;
81 Stat. 447.
22 USC 2161.

77 Stat. 381;
81 Stat. 447.
22 USC 2162.

80 Stat. 797.
22 USC 2171.

81 Stat. 449.
22 USC 2172.

81 Stat. 450.
22 USC 2174.

22 USC 2181.

(B) In the third proviso, strike out "\$1,000,000" and substitute "\$1,250,000".

(C) In the last proviso, strike out "1970" and substitute "1971".

(b) At the end of section 221, add a new subsection as follows:

75 Stat. 429.
22 USC 2181.

"(e) (1) No guaranty of a loan or equity investment of an eligible United States investor in a foreign bank, finance company, or other credit institution (hereinafter the 'original investment') shall cover any loss of a loan or equity investment of such bank, finance company, or credit institution; and in no event shall payment be made under any such guaranty except for loss of the original investment, and, where provided for by such guaranty, earnings or profits actually accrued thereon.

"(2) In the administration of this subsection, the eligible United States investor may be deemed to have sustained a loss of the original investment only if the foreign bank, finance company, or credit institution in which the original investment was made becomes or is likely to become insolvent due to the occurrence of an event against which protection is provided by the guaranty."

SEC. 104. Section 224(c), which relates to housing projects in Latin American countries, is amended by striking out "\$500,000,000" and substituting "\$550,000,000".

79 Stat. 655;
81 Stat. 451.
22 USC 2184.

TITLE VI—ALLIANCE FOR PROGRESS

SEC. 105. (a) Section 252(a) of title VI of chapter 2 of part I of the Foreign Assistance Act of 1961, as amended, which relates to authorization for the Alliance for Progress, is amended as follows:

76 Stat. 258;
80 Stat. 799;
81 Stat. 451.
22 USC 2212.

(1) Strike out "1967, \$696,500,000, and for the fiscal year 1968, \$578,000,000, which amounts are" and substitute "1969, \$420,000,000, which is".

(2) Strike out "\$100,000,000 in each such fiscal year of the funds appropriated pursuant to this section for use beginning in each such fiscal year" and substitute "\$90,000,000".

(3) Strike out "years ending June 30, 1967, through June 30, 1968, respectively" and substitute "year ending June 30, 1969".

(b) Section 252(b), which relates to authorization for the Partners of the Alliance, is amended by striking out "1968, \$714,000" and substituting "1969, \$350,000".

TITLE IX—UTILIZATION OF DEMOCRATIC INSTITUTIONS IN DEVELOPMENT

SEC. 106. Section 281 of the Foreign Assistance Act of 1961, as amended, is amended as follows:

(a) At the end of subsection (c), add the following new sentence: "In particular, emphasis should be given to research designed to increase understanding of the ways in which development assistance can support democratic social and political trends in recipient countries."

80 Stat. 800;
81 Stat. 452.
22 USC 2218.

(b) At the end of section 281, add the following new subsection:

"(e) In order to carry out the purposes of this title, the agency primarily responsible for administering part I of this Act shall develop systematic programs of inservice training to familiarize its personnel with the objectives of this title and to increase their knowledge of the political and social aspects of development. In addition to other funds available for such purposes, not to exceed 1 per centum of the funds authorized to be appropriated for grant assistance under this chapter may be used for carrying out the objectives of this subsection."

Inservice training programs.

TITLE X—PROGRAMS RELATING TO POPULATION GROWTH

81 Stat. 453.
22 USC 2219a.

SEC. 107. Section 292 of title X of chapter 2 of part I of the Foreign Assistance Act of 1961, as amended, is amended by striking out “1968, \$35,000,000” and substituting “1969, \$50,000,000”.

CHAPTER 3—INTERNATIONAL ORGANIZATIONS AND PROGRAMS

80 Stat. 801;
81 Stat. 454.
22 USC 2222.

SEC. 108. (a) Section 302(a) of chapter 3 of part I of the Foreign Assistance Act of 1961, as amended, which relates to authorization for international organizations and programs, is amended by striking out “1968, \$141,000,000” and substituting “1969, \$135,000,000”.

(b) Section 302 is further amended by adding at the end thereof the following new subsection:

United Nations
Children's Fund.
Appropriation.

“(d) There is authorized to be appropriated to the President, for the fiscal year 1969, \$1,000,000 for contributions to the United Nations Children's Fund during the calendar year 1969. Funds made available under this subsection shall be in addition to funds available under this or any other Act for such contributions and shall not be taken into account in computing the aggregate amount of United States contributions to such fund for the calendar year 1969.”

CHAPTER 4—SUPPORTING ASSISTANCE

22 USC 2242.

SEC. 109. Section 402 of chapter 4 of part I of the Foreign Assistance Act of 1961, as amended, which relates to authorization for supporting assistance, is amended by striking out “1968 not to exceed \$660,000,000” and substituting “1969 not to exceed \$410,000,000”.

CHAPTER 5—CONTINGENCY FUND

75 Stat. 434;
81 Stat. 455.
22 USC 2261.

SEC. 110. Section 451(a) of chapter 5 of part I of the Foreign Assistance Act of 1961, as amended, which relates to the contingency fund, is amended by inserting “, and for the fiscal year 1969 not to exceed \$10,000,000,” after “\$50,000,000”.

PART II

CHAPTER 2—MILITARY ASSISTANCE

SEC. 201. Chapter 2 of part II of the Foreign Assistance Act of 1961, as amended, which relates to military assistance, is amended as follows:

80 Stat. 802;
81 Stat. 455.
22 USC 2312.

(a) Section 504(a), which relates to authorization, is amended as follows:

(1) In the first sentence, strike out “\$510,000,000” and “1968” and substitute “\$375,000,000” and “1969”, respectively.

(2) Strike out the second and third sentences.

(3) In the first sentence, insert the following proviso before the period: “: *Provided further*, That none of the funds appropriated pursuant to this subsection shall be used to furnish sophisticated weapons systems, such as missile systems and jet aircraft for military purposes, to any underdeveloped country, unless the President determines that the furnishing of such weapons systems is important to the national security of the United States and reports within thirty days each such determination to the Congress”.

Presidential
determination;
report to Con-
gress.

81 Stat. 457.
22 USC 2318.

(b) Section 506(a), which relates to special authority, is amended by striking out “1968” each place it appears and substituting “1969”.

(c) (1) Section 507(a), which relates to restrictions on military aid to Latin America, is amended by striking out “\$55,000,000, of which \$25,000,000” and substituting “\$25,000,000, of which any part”. 75 Stat. 438;
81 Stat. 457.
22 USC 2319.

(2) Such section 507 is further amended by adding at the end thereof the following new subsection:

“(d) Notwithstanding the foregoing provisions of this section, not to exceed \$10,000,000 of the funds made available for use under this part may be used to furnish assistance to the American Republics, directly or through regional defense arrangements, to enable such Republics to strengthen patrol activities in their coastal waters for the purpose of preventing landings on their shores, by Communist or other subversive elements originating in Cuba, which threaten the security of such Republics and of their duly constituted governments.” American Re-
publics, as-
sistance.
Appropriation.

(d) Section 508, which relates to restrictions on military aid to Africa, is amended as follows: 77 Stat. 384;
81 Stat. 457.
22 USC 2320.

(1) In the first sentence, strike out “or sales”.

(2) In the second sentence, strike out “and sales” and strike out “\$40,000,000” and substitute “\$25,000,000”.

PART III

CHAPTER 1—GENERAL PROVISIONS

SEC. 301. Chapter 1 of part III of the Foreign Assistance Act of 1961, as amended, which relates to general provisions, is amended as follows:

(a) Section 604, which relates to procurement of commodities, is amended by adding at the end thereof the following new subsection: 75 Stat. 439;
80 Stat. 804.
22 USC 2354.

“(f) No funds authorized to be made available to carry out part I of this Act shall be used under any commodity import program to make any payment to a supplier unless the supplier has certified to the agency primarily responsible for administering such part I, such information as such agency shall by regulation prescribe, including but not limited to, a description of the commodity supplied by him and its condition, and, on the basis of such information such agency shall have approved such commodity as eligible and suitable for financing under this Act.”

(b) Section 607, which relates to the furnishing of services and commodities, is amended by inserting “(a)” immediately before “Whenever” and by adding at the end thereof the following new subsection: 75 Stat. 441.
22 USC 2357.

“(b) No Government-owned excess property shall be made available under this section, section 608, or otherwise in furtherance of the purposes of part I of this Act, unless, before the shipment of such property for use in a specified country (or transfer, if the property is already in such country), the agency administering such part I has approved such shipment (or transfer) and made a written determination—

“(1) that there is a need for such property in the quantity requested and that such property is suitable for the purpose requested;

“(2) as to the status and responsibility of the designated end-user and his ability effectively to use and maintain such property; and

“(3) that the residual value, serviceability, and appearance of such property would not reflect unfavorably on the image of the United States and would justify the costs of packing, crating, handling, transportation, and other accessorial costs, and that the residual value at least equals the total of these costs.” 22 USC 2358.

(c) Section 620, which relates to prohibitions against furnishing assistance, is amended by adding at the end thereof the following new subsection: 81 Stat. 459.
22 USC 2370.

Presidential de-
termination; re-
port to Congress.

“(v) The President is directed to withhold economic assistance in an amount equivalent to the amount spent by any underdeveloped country for the purchase of sophisticated weapons systems, such as missile systems and jet aircraft for military purposes from any country, unless the President determines that such purchase or acquisition of weapons systems is important to the national security of the United States and reports within thirty days each such determination to the Congress.”

CHAPTER 2—ADMINISTRATIVE PROVISIONS

SEC. 302. Chapter 2 of part III of the Foreign Assistance Act of 1961, as amended, which relates to administrative provisions, is amended as follows:

75 Stat. 445;
76 Stat. 262.
22 USC 2381.

(a) Section 621, which relates to exercise of functions, is amended by inserting “(a)” immediately after “SEC. 621. EXERCISE OF FUNCTIONS.—” and by adding at the end thereof the following new subsection:

Eligibility.

“(b) The President shall issue and enforce regulations determining the eligibility of any person to receive funds made available under this Act. A person may be suspended under such regulations for a temporary period pending the completion of an investigation and any resulting judicial or debarment proceedings, upon cause for belief that such person or an affiliate thereof probably has undertaken conduct which constitutes a cause for debarment; and, after an opportunity has been afforded to such person for a hearing, he may be debarred for an additional period, not to exceed three years. Among the causes for debarment shall be (1) offering or accepting a bribe or other illegal payment or credit in connection with any transaction financed with funds made available under this Act; or (2) committing a fraud in the procurement or performance of any contract financed with funds made available under this Act; or (3) acting in any other manner which shows a lack of integrity or honesty in connection with any transaction financed with funds made available under this Act. Reinstatement of eligibility in each particular case shall be subject to such conditions as the President shall direct. Each person whose eligibility is denied or suspended under this subsection shall, upon request, be entitled to a review of his eligibility not less often than once every two years.”

(b) Immediately after section 621 add the following new section:

“SEC. 621A. STRENGTHENED MANAGEMENT PRACTICES.—(a) The Congress believes that United States foreign aid funds could be utilized more effectively by the application of advanced management decisionmaking, information and analysis techniques such as systems analysis, automatic data processing, benefit-cost studies, and information retrieval.

Management
system, estab-
lishment.

“(b) To meet this need, the President shall establish a management system that includes: the definition of objectives and programs for United States foreign assistance; the development of quantitative indicators of progress toward these objectives; the orderly consideration of alternative means for accomplishing such objectives; and the adoption of methods for comparing actual results of programs and projects with those anticipated when they were undertaken. The system should provide information to the agency and to Congress that relates agency resources, expenditures, and budget projections to such objectives and results in order to assist in the evaluation of program performance, the review of budgetary requests, and the setting of program priorities.

Report to
Congress.

“(c) The President shall report to the Congress annually on the specific steps that have been taken, including an evaluation of the progress that has been made toward the implementation of this section.”

(c) Section 625(c), which relates to employment of personnel, is amended by inserting "or any Act superseding part II in whole or in part," between "part II," and "not".

75 Stat. 450.
22 USC 2385.

(d) Section 636(g)(1), which relates to provisions on uses of funds, is amended by inserting "incurred in furnishing defense articles and defense services on a grant or sales basis by the agency primarily responsible for administering part II" between "expenses" and the semicolon.

22 USC 2396.

(e) Section 637(a), which authorizes appropriations for administrative expenses of the agency administering part I, is amended (1) by striking out "1968, \$55,814,000" and substituting "1969, \$53,000,000"; and (2) by adding at the end thereof the following: "The agency administering part I shall reduce the number of personnel, particularly administrative personnel, employed by it in order to conduct operations with the reduced amount of funds authorized for fiscal year 1969, except that such agency shall not take any action to limit or reduce auditing or training activities of such agency."

81 Stat. 462.
22 USC 2397.

Personnel
reduction.

(f) At the end of such chapter, add the following new section:

22 USC 2381-
2399a.

"SEC. 640A. FALSE CLAIMS AND INELIGIBLE COMMODITIES.—(a) Any person who makes or causes to be made or presents or causes to be presented to any bank or other financial institution or to any officer, agent, or employee of any agency of the United States Government a claim for payment from funds made available under this Act for the purposes of furnishing assistance and who knows the claim to be false, fraudulent, or fictitious or to cover a commodity or commodity-related service determined by the President to be ineligible for payment from funds made available under this Act, or who uses to support his claim any certification, statement, or entry on any contract, abstract, bill of lading, Government or commercial invoice, or Government form, which he knows, or in the exercise of prudent business management should know, to contain false, fraudulent, or fictitious information, or who uses or engages in any other fraudulent trick, scheme, or device for the purpose of securing or obtaining, or aiding to secure or obtain, for any person any benefit or payment from funds so made available under this Act in connection with the negotiation, procurement, award, or performance of a contract financed with funds so made available under this Act, and any person who enters into an agreement, combination, or conspiracy so to do, (1) shall pay to the United States an amount equal to 25 per centum of any amount thereby sought to be wrongfully secured or obtained but not actually received, and (2) shall forfeit and refund any payment, compensation, loan, commission, or advance received as a result thereof, and (3) shall, in addition, pay to the United States for each such act (A) the sum of \$2,000 and double the amount of any damage which the United States may have sustained by reason thereof, or (B) an amount equal to 50 per centum of any such payment, compensation, loan, commission, or advance so received, whichever is the greater, together with the costs of suit.

"(b) In order to secure recovery under this section, the President may, as he deems appropriate, (1) institute suit in the United States district court for any judicial district in which the person alleged to have performed or participated in an act described by this section may reside or may be found, and (2) upon posting by registered mail to such person a notice of claim describing the basis therefor and identifying the funds to be withheld, withhold from funds owed by any agency of the United States Government to such person an amount equal to the refund, damages, liquidated damages, and exemplary damages claimed by the United States under this section. Any such withholding of funds from any person shall constitute a final determination of the rights and liabilities of such person under this section with respect to the amount so withheld, unless within one year of receiving the notice of claim such

person brings suit for recovery, which is hereby authorized, against the United States in any United States district court.

"Person."

"(c) For purposes of this section, the term 'person' includes any individual, corporation, partnership, association, or other legal entity."

CHAPTER 3—MISCELLANEOUS PROVISIONS

22 USC 2401-
2409.

SEC. 303. Chapter 3 of part III of the Foreign Assistance Act of 1961, as amended, which relates to miscellaneous provisions, is amended by adding at the end thereof the following new section:

"SEC. 651. SALE OF SUPERSONIC PLANES TO ISRAEL.—It is the sense of the Congress that the President should take such steps as may be necessary, as soon as practicable after the date of enactment of this section, to negotiate an agreement with the Government of Israel providing for the sale by the United States of such number of supersonic planes as may be necessary to provide Israel with an adequate deterrent force capable of preventing future Arab aggression by offsetting sophisticated weapons received by the Arab States and to replace losses suffered by Israel in the 1967 conflict."

PART IV—AMENDMENTS TO OTHER ACTS

Unprocessed
timber from
Federal lands.
Export, re-
striction.
16 USC 616.

SEC. 401. The Act of April 12, 1926 (44 Stat. 242; chapter 117) is amended by adding at the end thereof a new section as follows:

"SEC. 2. (a) For each of the calendar years 1969 through 1971, inclusive, not more than 350 million board feet, in the aggregate, of unprocessed timber may be sold for export from the United States from Federal lands located west of the 100th meridian.

"(b) After public hearing and a finding by the appropriate Secretary of the department administering Federal lands referred to in subsection (a) that specific quantities and species of unprocessed timber are surplus to the needs of domestic users and processors, such quantities and species may be designated by the said Secretary as available for export from the United States in addition to that quantity stated in subsection (a).

"(c) The Secretaries of the departments administering lands referred to in subsection (a) may issue rules and regulations to carry out the purposes of this section, including the prevention of substitution of timber restricted from export by this section for exported non-Federal timber.

"(d) In issuing rules and regulations pursuant to subsection (c), the appropriate Secretaries may include therein provisions authorizing the said Secretaries, in their discretion, to exclude from the limitations imposed by this section sales having an appraised value of less than \$2,000."

PART V—REAPPRAISAL OF FOREIGN ASSISTANCE PROGRAMS

DECLARATION OF POLICY

SEC. 501. The Congress declares that, in view of changing world conditions and the continued need to make United States foreign assistance programs an effective implement of United States foreign policy, there should be a comprehensive review and reorganization of all United States foreign assistance programs, including economic development and technical assistance programs, military assistance and sales programs, and programs involving contributions and payments by the United States to international lending institutions and other international organizations concerned with the development of friendly foreign countries and areas.

REAPPRAISAL BY THE PRESIDENT

SEC. 502. (a) In furtherance of the policy of this part, the President is requested to make a thorough and comprehensive reappraisal of United States foreign assistance programs, as described in section 501, and to submit to the Congress, on or before March 31, 1970, his recommendations for achieving such reforms in and reorganization of future foreign assistance programs as he determines to be necessary and appropriate in the national interest in the light of such reappraisal. The President is requested to submit to the Congress, on or before July 1, 1969, an interim report presenting any preliminary recommendations formulated by him pursuant to this section.

Recommendations.

Report to Congress.

(b) It is the sense of the Congress that the reappraisal provided for in subsection (a) should include, but not be limited to, an analysis and consideration of proposals concerning the establishment of a Government corporation or a federally chartered private corporation designed to mobilize and facilitate the use of United States private capital and skills in less developed friendly countries and areas, including whether such corporation should be authorized to—

(1) utilize Government guarantees and funds as well as private funds;

(2) seek, develop, promote, and underwrite new investment projects;

(3) assist in transferring skills and technology to less developed friendly countries and areas; and

(4) invest in the securities of development financing institutions and assist in the formation and expansion of local capital markets.

Approved October 8, 1968.

Public Law 90-555

AN ACT

October 9, 1968
[H. R. 1340]

To authorize the Secretary of the Interior to accept donations of land for, and to construct, administer, and maintain an extension of the Blue Ridge Parkway in the States of North Carolina and Georgia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to accept, on behalf of the United States, donations of land and interests in land in the States of North Carolina and Georgia, to construct thereon an extension of the Blue Ridge Parkway from the vicinity of Beech Gap, North Carolina, to the vicinity of Kennesaw Mountain National Battlefield Park north of Atlanta and Marietta, Georgia, and to provide public use, administration, and maintenance areas in connection therewith. The lands accepted for the parkway extension may vary in width but shall average not more than one hundred and twenty-five acres per mile in fee simple plus not more than twenty-five acres per mile in scenic easements. The survey location and width of any portion of the parkway extension that crosses national forest land shall be jointly determined by the Secretary of the Interior and the Secretary of Agriculture. Where the parkway extension designated by the Secretary of the Interior traverses Federal lands, the head of the department or agency having jurisdiction over such lands is authorized to transfer to the Secretary of the Interior the part of the Federal lands mutually agreed upon as necessary for the construction, maintenance, and administration of the parkway extension and public use thereof, without transfer of funds. Any such transfer within a national forest shall not preclude any national forest use that is compatible with parkway use and that is agreed upon by the Secretary of the Interior and the Secretary of Agriculture.

Blue Ridge
Parkway, extension.

SEC. 2. To effectuate the recommendations in the report to the Congress on the North Carolina-Georgia extension of the Blue Ridge Parkway, made pursuant to the Act of August 10, 1961 (75 Stat. 337)—

(1) The Secretary of the Interior and the Secretary of Agriculture shall, insofar as practicable, coordinate and correlate recreational development on lands within the parkway and adjacent or related national forest lands: *Provided*, That within national forest boundaries recreational developments and facilities on Federal lands other than those actually within the national parkway shall be administered by the Secretary of Agriculture;

(2) Upon the request of the Secretary of Agriculture, the Secretary of the Interior shall relocate and reconstruct any national forest roads that may be disturbed by the parkway extension, or provide alternative roads that are necessary to the protection, administration, or utilization of the national forests, and shall allow access to areas to be developed by the Secretary of Agriculture on adjacent national forest lands unless to do so will materially impair the primary purposes of the parkway;

(3) The Secretary of the Interior may relocate and reconstruct portions of the Appalachian Trail, including trail shelters, that may be disturbed by the parkway extension and such relocation and reconstruction may be performed (A) on non-Federal lands when the Appalachian Trail Conference obtains the consent of the owner to the use of the lands for the purpose and agrees to assume maintenance thereof, and (B) upon national forest lands with the approval of the Secretary of Agriculture.

Rights-of-way
licenses.

SEC. 3. The Secretary of the Interior may issue revocable licenses or permits for rights-of-way over, across, and upon parkway lands, or for the use of parkway lands by the owners or lessees of adjacent lands, or for such purposes and under such terms and conditions as he may determine to be consistent with the use of such lands for parkway purposes.

SEC. 4. The parkway extension herein authorized shall be a part of the Blue Ridge Parkway and shall be administered and maintained by the Secretary of the Interior in accordance with the laws and regulations applicable thereto, including the Act of May 13, 1952 (66 Stat. 69; 16 U.S.C. 460a-4).

SEC. 5. With the concurrence of the Secretary of Agriculture the Secretary of the Interior may transfer to the Secretary of Agriculture for national forest purposes lands or interests in lands within national forests acquired for, or in connection with, the parkway extension.

Appropriation
authorization.

SEC. 6. There is hereby authorized to be appropriated, for construction of the Blue Ridge Parkway extension, not more than \$87,536,000, plus or minus such amounts, if any, as may be justified by reason of fluctuations in construction costs as indicated by engineering cost indices applicable to the type of construction involved herein.

Approved October 9, 1968.

Public Law 90-556

AN ACT

October 10, 1968
[H. R. 19136]

To amend title 5, United States Code, to provide for the payment of overtime and standby pay to certain personnel employed in the Department of Transportation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5542(a) of title 5, United States Code, is amended by adding the following new paragraph after paragraph (2):

“(3) Notwithstanding paragraphs (1) and (2) of this subsection for an employee of the Department of Transportation who occupies a nonmanagerial position in GS-14 or under and, as determined by the Secretary of Transportation,

“(A) the duties of which are critical to the immediate daily operation of the air traffic control system, directly affect aviation safety, and involve physical or mental strain or hardship;

“(B) in which overtime work is therefore unusually taxing; and

“(C) in which operating requirements cannot be met without substantial overtime work;

the overtime hourly rate of pay is an amount equal to one and one-half times the hourly rate of basic pay of the employee, and all that amount is premium pay.”

SEC. 2. Section 5545(c)(1) of such title is amended by inserting “(or, for a position described in section 5542(a)(3) of this title, of the basic pay of the position)” after “GS-10”.

SEC. 3. The amendments made by this Act shall take effect on the first day of the first pay period which begins on or after the thirtieth day after the date of enactment of this Act.

Approved October 10, 1968.

Air traffic control, aviation safety.
Overtime pay.
80 Stat. 486;
81 Stat. 200.

Public Law 90-557

AN ACT

October 11, 1968
[H. R. 18037]

Making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1969, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1969, and for other purposes, namely:

Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1969.

TITLE I—DEPARTMENT OF LABOR

MANPOWER ADMINISTRATION

MANPOWER DEVELOPMENT AND TRAINING ACTIVITIES

For expenses, not otherwise provided for, necessary to carry into effect the Manpower Development and Training Act of 1962, as amended (42 U.S.C. 2571-2620), \$400,000,000, to remain available until June 30, 1970: *Provided*, That no part of the appropriation for expenses under such Act shall be available to pay any trainee in a service industry to which the provisions of section 6(b) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-219), are applicable at a rate in excess of the minimum wage prescribed by such section: *Provided further*, That no part of the appropriation in this Act shall be available to pay any trainee in a service industry to which the provisions of section 6(b) of the Fair Labor Standards Act of 1938, as amended, are applicable at a rate in excess of the following, whichever is highest:

- (1) the minimum wage prescribed by such section;
- (2) the minimum wage requirement applicable to the trainee pursuant to the provisions of any other section of the Act or any other Federal, State, or local law; or
- (3) the minimum entrance rate for inexperienced workers in the same occupation in the establishment.

OFFICE OF MANPOWER ADMINISTRATOR, SALARIES AND EXPENSES

For necessary expenses for the Office of the Manpower Administrator, including administering the Manpower Development and Training Act of 1962, as amended, and research under such Act, and for performing the functions of the Secretary in the fields of automation and manpower, \$26,722,000, to remain available until June 30, 1970.

BUREAU OF APPRENTICESHIP AND TRAINING, SALARIES AND EXPENSES

For necessary expenses for encouraging apprentice training programs, as authorized by the Acts of March 4, 1913 and August 16, 1937 (37 Stat. 736, as amended, 29 U.S.C. 50), and for performing functions under the Manpower Development and Training Act of 1962, as amended, \$9,055,000.

BUREAU OF EMPLOYMENT SECURITY

LIMITATION ON GRANTS TO STATES FOR UNEMPLOYMENT COMPENSATION AND EMPLOYMENT SERVICE ADMINISTRATION

For grants in accordance with the provisions of the Act of June 6, 1933, as amended (29 U.S.C. 49-49n), for carrying into effect section 602 of the Servicemen's Readjustment Act of 1944, for grants to the

76 Stat. 23.
Service in-
dustry trainees.

80 Stat. 838.
29 USC 206.

29 USC 551.
50 Stat. 664.

48 Stat. 113.
58 Stat. 294.

States as authorized in title III of the Social Security Act, as amended (42 U.S.C. 501-503), including, upon the request of any State, the purchase of equipment, and the payment of rental for space made available to such State in lieu of grants for such purpose, and for expenses not otherwise provided for, necessary for carrying out title XV of the Social Security Act, as amended (68 Stat. 1130), \$604,073,000 may be expended from the employment security administration account in the Unemployment trust fund, and of which \$12,000,000 shall be available only to the extent necessary to meet increased costs of administration resulting from changes in a State law or increases in the number of claims filed and claims paid or increased salary costs resulting from changes in State salary compensation plans embracing employees of the State generally over those upon which the State's basic grant (or the allocation for the District of Columbia) was based, which increased costs of administration cannot be provided for by normal budgetary adjustments: *Provided*, That any portion of the funds granted to a State in the current fiscal year and not obligated by the State in that year shall be returned to the Treasury and credited to the account from which derived: *Provided further*, That such amounts as may be agreed upon by the Department of Labor and the Post Office Department shall be used for the payment, in such manner as said parties may jointly determine, of postage for the transmission of official mail matter in connection with the administration of unemployment compensation systems and employment services by States receiving grants herefrom.

49 Stat. 626.

42 USC 1361-
1371 notes.

Grants to States, next succeeding fiscal year: For making, after May 31 of the current fiscal year, payments to States under title III of the Social Security Act, as amended, and under the Act of June 6, 1933, as amended, for the first quarter of the next succeeding fiscal year, such sums as may be necessary, the obligations incurred and the expenditures made thereunder for payments under such title and under such Act of June 6, 1933, to be charged to the appropriation therefor for that fiscal year: *Provided*, That the payments made pursuant to this paragraph shall not exceed the amount obligated by the United States for such purposes for the fourth quarter of the current fiscal year.

UNEMPLOYMENT COMPENSATION FOR FEDERAL EMPLOYEES AND EX-SERVICEMEN

For payments to unemployed Federal employees and ex-servicemen, as authorized by title XV of the Social Security Act, as amended, \$92,200,000, together with such amount as may be necessary to be charged to the subsequent year appropriation for the payment of benefits for any period subsequent to March 31 of the current year.

Unemployment compensation for Federal employees and ex-servicemen, next succeeding fiscal year: For making, after May 31 of the current fiscal year, payments to States, as authorized by title XV of the Social Security Act, as amended, such amounts as may be required for payment to unemployed Federal employees and ex-servicemen for the first quarter of the next succeeding fiscal year, and the obligations and expenditures thereunder shall be charged to the appropriation therefor for that fiscal year: *Provided*, That the payments made pursuant to this paragraph shall not exceed the amount paid to the States for the first quarter of the current fiscal year.

TRADE ADJUSTMENT ACTIVITIES

For necessary expenses to carry out the responsibilities of the Secretary of Labor in connection with trade adjustment activities, as

provided by law, including benefit payments to eligible workers, \$1,300,000.

BUREAU OF EMPLOYMENT SECURITY, SALARIES AND EXPENSES

76 Stat. 23.

78 Stat. 920.

66 Stat. 189.

58 Stat. 293.

For expenses necessary for the general administration of the employment service and unemployment compensation programs; performing functions under the Manpower Development and Training Act of 1962, as amended (42 U.S.C. 2571-2620); and administration of the Farm Labor Contractor Registration Act of 1963 (7 U.S.C. 2041); and activities relating to the admission and employment in agriculture of non-immigrant aliens in connection with the Secretary of Labor's responsibilities under the Immigration and Nationality Act (8 U.S.C. 1184); \$2,900,000, together with not to exceed \$20,073,000, which may be expended from the employment security administration account in the Unemployment Trust Fund, of which not to exceed \$1,885,000 shall be available for activities of the farm labor services, and of which \$2,001,000 shall be for carrying into effect the provisions of title IV (except section 602) of the Servicemen's Readjustment Act of 1944.

REVOLVING FUND FOR ADVANCES TO EMPLOYMENT SECURITY ADMINISTRATION ACCOUNT, UNEMPLOYMENT TRUST FUND

74 Stat. 973.

For an additional amount for capital for the "Revolving fund for advances to the Employment Security Administration Account," as authorized by law (42 U.S.C. 1101(e)(1)), \$25,000,000.

LABOR-MANAGEMENT RELATIONS

LABOR-MANAGEMENT SERVICES ADMINISTRATION, SALARIES AND EXPENSES

72 Stat. 997.
29 USC 301
note.
73 Stat. 519.
29 USC 401
note.

For necessary expenses to carry out the provisions of the Welfare and Pension Plans Disclosure Act and the Labor-Management Reporting and Disclosure Act; expenses of commissions and boards to resolve labor-management disputes and other expenses for improving the climate of labor-management relations; and to render assistance in connection with reemployment under the several provisions of law respecting reemployment after active military service, \$9,063,000.

WAGE AND LABOR STANDARDS

WAGE AND LABOR STANDARDS ADMINISTRATION, SALARIES AND EXPENSES

Ante, p. 306.

For expenses necessary for the Wage and Labor Standards Administration, including not less than \$518,000 for the President's Committee on Employment of the Handicapped, as authorized by the Act of July 11, 1949 (63 Stat. 409), \$11,777,000: *Provided*, That no part of the appropriation for the President's Committee shall be subject to reduction or transfer to any other department or agency under the provisions of any existing law.

BUREAU OF EMPLOYEES' COMPENSATION

EMPLOYEES' COMPENSATION CLAIMS AND EXPENSES

For the payment of compensation and other benefits and expenses (except administrative expenses) authorized by law and accruing during the current or any prior fiscal year, including payments to other Federal agencies for medical and hospital services pursuant to agreement approved by the Bureau of Employees' Compensation; continuation of payment of benefits as provided for under the head "Civilian

War Benefits" in the Federal Security Agency Appropriation Act, 1947: the advancement of costs for enforcement of recoveries in third-party cases; the furnishing of medical and hospital services and supplies, treatment, and funeral and burial expenses, including transportation and other expenses incidental to such services, treatment, and burial, for such enrollees of the Civilian Conservation Corps as were certified by the Director of such Corps as receiving hospital services and treatment at Government expense on June 30, 1943, and who are not otherwise entitled thereto as civilian employees of the United States, and the limitations and authority formerly provided by the Act of September 7, 1916, 48 Stat. 351, as amended, shall apply in providing such services, treatment, and expenses in such cases and for payments pursuant to sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); \$52,691,000, together with such amount as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to March 31 of the current year.

60 Stat. 696.

39 Stat. 742.
5 USC 8101
et seq.62 Stat. 1241.
50 USC app.
2003, 2004.

WAGE AND HOUR DIVISION, SALARIES AND EXPENSES

For expenses necessary for the Wage and Hour Division, including performing the duties imposed by the Fair Labor Standards Act of 1938, as amended, the Service Contract Act of 1965 (79 Stat. 1034), and the Act to provide conditions for the purchase of supplies and the making of contracts by the United States, approved June 30, 1936, as amended (41 U.S.C. 35-45), including reimbursements to State, Federal, and local agencies and their employees for inspection services rendered, \$25,811,000.

52 Stat. 1060.
29 USC 201.
41 USC 351
note.
49 Stat. 2036.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the work of the Bureau of Labor Statistics, including advances or reimbursement to State, Federal, and local agencies and their employees for services rendered, \$21,763,000.

BUREAU OF INTERNATIONAL LABOR AFFAIRS

SALARIES AND EXPENSES

For expenses necessary for the conduct of international labor affairs, \$1,386,000.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For expenses necessary for the Office of the Solicitor, \$6,126,000, together with not to exceed \$144,000 to be derived from the Employment Security Administration account, Unemployment Trust Fund.

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For expenses necessary for the Office of the Secretary of Labor, \$4,878,000, together with not to exceed \$538,000 to be derived from the Employment Security Administration account, Unemployment Trust Fund.

FEDERAL CONTRACT COMPLIANCE AND CIVIL RIGHTS PROGRAM

For expenses necessary to carry out the functions of the Department of Labor under Executive Order 11246 of September 24, 1965, as amended, and title VI of the Civil Rights Act of 1964, \$904,000, together with not to exceed \$512,000 to be derived from the Employment Security Administration account, Unemployment Trust Fund.

42 USC 2000e
note.
78 Stat. 252.
42 USC 2000d-
2000d-4.

PREVENTING AGE DISCRIMINATION IN EMPLOYMENT

For expenses necessary for the administration of the Age Discrimination in Employment Act of 1967 (Public Law 90-202), \$500,000.

81 Stat. 602.
29 USC 621
note.

GENERAL PROVISIONS

SEC. 101. Appropriations in this Act available for salaries and expenses shall be available for supplies, services, and rental of conference space within the District of Columbia, as the Secretary of Labor shall deem necessary for settlement of labor-management disputes.

Citation of title.

This title may be cited as the "Department of Labor Appropriation Act, 1969".

TITLE II—DEPARTMENT OF HEALTH, EDUCATION,
AND WELFARE

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses not otherwise provided for, of the Food and Drug Administration, including reporting and illustrating the results of investigations; purchase of chemicals, apparatus, and scientific equipment; payment in advance for special tests and analyses and adverse reaction reporting by contract; payments of fees, travel, and per diem in connection with studies of new developments pertinent to food and drug enforcement operations; compensation of informers; not to exceed \$45,000 for miscellaneous and emergency expenses of enforcement activities, to be authorized or approved by the Secretary and to be accounted for solely on his certificate; payment for publication of technical and informational materials in professional and trade journals; and rental of special purpose space in the District of Columbia or elsewhere; \$67,296,000.

OFFICE OF EDUCATION

ELEMENTARY AND SECONDARY EDUCATIONAL ACTIVITIES

For grants and payments under titles II, III, V, VII, and VIII of the Elementary and Secondary Education Act of 1965, as amended, \$258,126,000, of which \$50,000,000 shall be for school library resources, textbooks, and other instructional materials under title II of said Elementary and Secondary Education Act of 1965; \$165,876,000 shall

20 USC 821-827,
841-848, 861-870,
880b-880b-6, 881-
887.

be for supplementary educational centers and services under title III of said Act; \$29,750,000 shall be for strengthening State departments of education under title V of said Act; \$7,500,000 shall be for improving the education of bilingual children under title VII of said Act; and \$5,000,000 shall be for preventing school dropouts under title VIII of said Act.

20 USC 841-848.

20 USC 861-870.

20 USC 880b-880b-6.

20 USC 881-887.

For grants to States and loans to nonprofit private schools for equipment and minor remodeling under title III of the National Defense Education Act of 1958, as amended, and for grants to States for administrative services under said title III, \$78,740,000; and for grants to States for testing, guidance, and counseling under title V of said Act, \$17,000,000: *Provided*, That allotments under sections 302(a) and 305 for equipment and minor remodeling shall be made on the basis of \$75,740,000 for grants to States and on the basis of \$2,038,636 for loans to nonprofit private schools, and allotments under section 302(b) for administrative services shall be made on the basis of \$2,000,000.

20 USC 441-445.

20 USC 481-491.

For meeting the special educational needs of educationally deprived children under Title II of the Act of September 30, 1950, as amended, \$1,123,127,000, for the fiscal year 1969: *Provided*, That the aggregate amounts otherwise available for grants therefor within States shall not be less than 92 per centum of the amounts allocated from the fiscal year 1968 appropriation to local educational agencies in such States for grants.

20 USC 241a-241m.

For meeting the special educational needs of educationally deprived children under Title II of the Act of September 30, 1950, as amended, not to exceed 90 per centum of the amounts available for each of the activities and objects thereunder for fiscal year 1969 shall be available for the same activities and objects for the fiscal year 1970: *Provided*, That the aggregate amounts otherwise available for grants therefor within States shall not be less than 90 per centum of the amounts allocated from the fiscal year 1969 appropriation to local educational agencies in such States for grants.

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

For grants and payments under the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), and under the Act of September 23, 1950, as amended (20 U.S.C., ch. 9), \$90,965,000, fiscal year 1968: *Provided*, That these funds shall not be subject to the provisions of the Anti-Deficiency Statute, Revised Statutes 3679, section 665(c), title 31, United States Code: *Provided further*, That the expenditure of this appropriation shall not be taken into consideration for the purposes of title II of the Revenue and Expenditures Control Act of 1968.

20 USC 236-244.

20 USC 631-647.

Ante, p. 270.

For grants and payments under the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), and under the Act of September 23, 1950, as amended (20 U.S.C., ch. 19), \$520,845,000, of which \$505,900,000 shall be for payments to local educational agencies for the maintenance and operation of schools as authorized by the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), and \$14,745,000 which shall remain available until expended, shall be for providing school facilities and for grants to local educational agencies in federally affected areas as authorized by said Act of September 23, 1950: *Provided*, That this appropriation shall also be available for carrying out the provisions of section 6 of the Act of September 30, 1950: *Provided further*, That not to exceed \$200,000 shall be available for necessary expenses for program evaluation activities.

EDUCATION PROFESSIONS DEVELOPMENT ACTIVITIES

For grants, contracts, and payments under parts C, D, and E of the Education Professions Development Act (Public Law 90-35), and title IV of the National Defense Education Act of 1958, as amended (20 U.S.C. 461-465), \$156,900,000.

20 USC 1111-1119b-2.

For grants under subpart 2 of part B of the Education Professions Development Act (Public Law 90-35), \$15,000,000.

20 USC 1108-
1110c.

TEACHER CORPS

For the Teacher Corps authorized in part B of title V of the Higher Education Act of 1965, as amended, \$20,900,000: *Provided*, That none of these funds may be used to pay in excess of 90 per centum of the salary and other emoluments in the Teacher Corps: *Provided further*, That none of these funds may be spent on behalf of any Teacher Corps program in any local school system prior to approval of such program by the State educational agency of the State in which the school system is located.

20 USC 1101-
1110c.

HIGHER EDUCATIONAL ACTIVITIES

For grants, loans, contracts, payments, and advances under titles III and IV (except payments under parts C and D) and part A of title VI of the Higher Education Act of 1965, as amended, under the Higher Education Facilities Act of 1963, as amended, under title II of the National Defense Education Act of 1958, as amended (20 U.S.C. 421-429), under section 22 of the Act of June 29, 1935, as amended (7 U.S.C. 329), and for grants under part C of title I of the Economic Opportunity Act of 1964, as amended, \$696,307,000, of which \$30,000,000 shall be for the purposes of title III of the Higher Education Act of 1965, \$128,600,000 shall be for programs under part A of title IV of that Act, of which \$124,600,000 shall be for educational opportunity grants and shall remain available through June 30, 1970, \$76,400,000 to remain available until expended shall be for loan insurance programs under part B of title IV of that Act, including not to exceed \$1,500,000 for computer services in connection with payments of interest and fees, \$14,500,000 shall be for the purposes of part A of title VI of the Act of which amounts reallocated shall remain available through June 30, 1970, \$139,900,000 shall be for grants for college work-study programs under part C of title I of the Economic Opportunity Act of 1964 of which amounts reallocated shall remain available through June 30, 1970, \$50,000,000 shall be for grants for construction of public community colleges and technical institutes and \$33,000,000 shall be for grants for construction of other academic facilities under title I of the Higher Education Facilities Act of 1963 which amounts shall remain available through June 30, 1970, \$8,000,000, to remain available until expended shall be for grants for construction of graduate academic facilities under title II of that Act, \$192,000,000 shall be for Federal capital contributions to student loan funds established in accordance with agreements pursuant to section 204 and loans for non-Federal capital contributions to student loan funds under title II of the National Defense Education Act of 1958, of which not to exceed \$2,000,000 shall be for such loans for non-Federal contributions, and \$11,950,000 shall be for the purposes of section 22 of the Act of June 29, 1935: *Provided*, That allotments to States for college work-study programs for the fiscal year ending June 30, 1969, shall include, in addition to funds appropriated herein, funds appropriated for this purpose for the fiscal year ending June 30, 1968, but not allotted to States for that fiscal year.

20 USC 1051-
1086, 1121-1129.
20 USC 701
note.

74 Stat. 525.

42 USC 2751-
2756.

20 USC 711-721.

20 USC 731-733.

HIGHER EDUCATION FACILITIES LOAN FUND

The Secretary is hereby authorized to make such expenditures, within the limits of funds available in the Higher Education Facilities Loan Fund, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation as provided by

section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such fund: *Provided*, That the total amount of loans made from this fund in the current fiscal year shall not exceed \$150,000,000.

61 Stat. 584.
31 USC 849.

For capital for the "Higher education facilities loan fund," for loans for construction of academic facilities under Title III of the Higher Education Facilities Act of 1963, as amended, \$100,000,000, to remain available until expended.

20 USC 741-745.

PAYMENT OF PARTICIPATION SALES INSUFFICIENCIES

For the payment of such insufficiencies as may be required by the trustee on account of outstanding beneficial interests or participations in assets of the Office of Education authorized by the Department of Health, Education, and Welfare Appropriation Act, 1968, to be issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act, as amended, \$3,275,000.

81 Stat. 394.

78 Stat. 800;
80 Stat. 164, 1236
12 USC 1717.

EXPANSION AND IMPROVEMENT OF VOCATIONAL EDUCATION

For carrying out the provisions of titles I, II, and III of the Vocational Education Act of 1946, as amended (20 U.S.C. 15i-15m, 15o-15q, 15aa-15jj, 15aaa-15ggg), section 1 of the Act of March 3, 1931 (20 U.S.C. 30), the Act of March 18, 1950 (20 U.S.C. 31-33), section 9 of the Act of August 1, 1956 (20 U.S.C. 34), section 2 of the Act of September 25, 1962 (48 U.S.C. 1667), and the Vocational Education Act of 1963 (20 U.S.C. 35-35n) (except sections 4(c), 13 and 14) (20 U.S.C. 35c(c) and 35k); \$248,216,000, of which \$198,225,000 shall be for vocational education programs under section 4(a) and (b) of the Vocational Education Act of 1963 (20 U.S.C. 35a and b).

20 USC 35l.

20 USC 35c.

LIBRARIES AND COMMUNITY SERVICES

For grants and payments pursuant to the Library Services and Construction Act, as amended (20 U.S.C., ch. 16), titles I and II (except section 224(a)(1)) of the Higher Education Act of 1965, and the Adult Education Act of 1966, \$143,144,000, of which \$35,000,000 shall be for grants for public library services under title I of the Library Services and Construction Act, \$9,185,000, to remain available through June 30, 1970, shall be for grants for public library construction under title II of such Act, \$2,281,000 shall be for grants for cooperative networks of libraries under title III of such Act, \$2,094,000 shall be for grants for State institutional library services under part A of title IV of such Act, \$1,334,000 shall be for library services to the physically handicapped under part B of title IV of such Act, \$9,500,000 shall be for community service and continuing education programs under title I of the Higher Education Act, as amended, \$5,500,000 shall be for transfer to the Librarian of Congress for the acquisition and cataloging of library materials under part C of title II of such Act, and \$45,000,000 shall be for adult education programs under the Adult Education Act of 1966.

20 USC 351
note.
20 USC 1001
note.
20 USC 1201
note.

EDUCATIONAL IMPROVEMENT FOR THE HANDICAPPED

For grants for training and for necessary expenses for research and demonstrations with respect to handicapped children pursuant to the Act of September 6, 1958, as amended (20 U.S.C. 611-617), and section 302 and title V of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, as amended (20

72 Stat. 1777.

42 USC 2698-
2698b.
79 Stat. 983.
42 USC 2491-
2495.

U.S.C. 618); for expenses necessary to carry out the Act of September 2, 1958, as amended (42 U.S.C. 2491-2494); and for grants and contracts under title VI of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 871-880), \$78,850,000.

RESEARCH AND TRAINING

20 USC 1034.

For research, surveys, training, dissemination of information, and demonstrations in education and in librarianship as authorized by the Cooperative Research Act, as amended (20 U.S.C. 331-332b); section 4(c) of the Vocational Education Act of 1963 (20 U.S.C. 35c(c)); section 224(a)(1) of the Higher Education Act of 1965; \$89,417,000, of which \$1,250,000 shall be available for program evaluation without regard to the provision in subsection 2(a)(2) of said Cooperative Research Act, as amended, and \$11,550,000 shall be available for research, experimental, developmental, and pilot projects under section 4(c) of said Vocational Education Act of 1963.

FOREIGN LANGUAGE TRAINING AND AREA PROGRAMS

20 USC 511-513.

22 USC 2452.

For grants, contracts and payments for language and area programs authorized by title VI of the National Defense Education Act and to carry out the provisions of section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961, \$15,700,000.

EDUCATIONAL RESEARCH AND TRAINING (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the Office of Education, as authorized by law, \$1,000,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations to such office, for payments in the foregoing currencies.

SALARIES AND EXPENSES

For expenses necessary for the Office of Education, including surveys, studies, investigations, and reports regarding libraries; coordination of library service on the national level with other forms of adult education; development of library service throughout the country; purchase, distribution, and exchange of education documents, motion-picture films, and lantern slides; and for rental of conference rooms in the District of Columbia; \$42,000,000.

PUBLIC HEALTH SERVICE

PREAMBLE

58 Stat. 682.
42 USC 201
note.

For necessary expenses in carrying out the Public Health Service Act, as amended (42 U.S.C., ch. 6A) (hereinafter referred to as the Act), and other Acts, including expenses for active commissioned officers in the Reserve Corps and for not to exceed two thousand eight hundred commissioned officers in the Regular Corps; expenses incident to the dissemination of health information in foreign countries through exhibits and other appropriate means; expenses of primary and secondary schooling of dependents, in foreign countries, of Public Health Service commissioned officers stationed in foreign countries, at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools available in the locality are unable to provide adequately

for the education of such dependents, and for the transportation of such dependents between such schools and their places of residence when the schools are not accessible to such dependents by regular means of transportation; rental or lease of living quarters (for periods not exceeding 5 years), and provision of heat, fuel, and light, and maintenance, improvement, and repair of such quarters, and advance payments therefor, for civilian officers and employees of the Public Health Service who are United States citizens and who have a permanent station in a foreign country; not to exceed \$2,500 for entertainment of visiting scientists when specifically approved by the Surgeon General; purchase, erection, and maintenance of temporary or portable structures; and for the payment of compensation to consultants or individual scientists appointed for limited periods of time pursuant to section 207(f) or section 207(g) of the Act, at rates established by the Surgeon General, or the Secretary where such action is required by statute, not to exceed \$24,500 per annum; as follows:

70 Stat. 116.
42 USC 209.

OFFICE OF THE SURGEON GENERAL

SALARIES AND EXPENSES

For the divisions and offices of the Office of the Surgeon General and for miscellaneous expenses of the Public Health Service not appropriated for elsewhere, including preparing information, articles, and publications related to public health; and conducting studies and demonstrations in public health methods, \$9,073,000.

COMPREHENSIVE HEALTH PLANNING AND SERVICES

To carry out sections 314(a) through 314(e) of the Act, \$167,104,000, of which \$7,375,000 shall be available until June 30, 1970, for grants pursuant to such section 314(a).

80 Stat. 1181;
81 Stat. 533.
42 USC 246.

HEALTH MANPOWER

HEALTH MANPOWER EDUCATION AND UTILIZATION

To carry out, to the extent not otherwise provided, sections 301, 306, 309, 311, title VII, and title VIII of the Act, \$172,176,000, of which \$6,500,000 shall be available through June 30, 1970, to carry out title VIII of the Act with respect to nursing educational opportunity grants: *Provided*, That allotments to States for nursing educational opportunity grants for the fiscal year ending June 30, 1969, pursuant to title VIII of the Act shall include, in addition to funds appropriated herein, funds appropriated for this purpose for the fiscal year ending June 30, 1968, but not allotted to States for that fiscal year.

42 USC 241,
242d, 242g, 243,
292-295h-5, 296-
298c-8.

Loans, grants, and payments for the next succeeding fiscal year: For making, after March 31 of the current fiscal year, loans, grants, and payments under section 306, parts C, F, and G of title VII, and parts B and D of title VIII of the Act for the first quarter of the next succeeding fiscal year, such sums as may be necessary, and the obligations incurred and expenditures made hereunder shall be charged to the appropriation for that purpose for such fiscal year: *Provided*, That such payments pursuant to this paragraph may not exceed 50 per centum of the amounts authorized in section 306, parts C and G of title VII, and parts B and D of title VIII for these purposes for the next succeeding fiscal year.

DENTAL HEALTH ACTIVITIES

42 USC 241,
243, 288a.

To carry out, to the extent not otherwise provided, sections 301 and 311 of the Act, and for training grants under section 422 of the Act, \$10,224,000.

HEALTH EDUCATION LOANS

61 Stat. 584.
31 USC 849.

The Secretary is hereby authorized to make such expenditures, within the limits of funds available in the following revolving funds, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for the "Health Professions Education Fund" and the "Nurse Training Fund".

CONSTRUCTION OF HEALTH EDUCATIONAL FACILITIES

42 USC 293-
293h, 295h-295h-5,
296-296e.

To carry out parts B and G of title VII and part A of title VIII of the Act, \$84,800,000, of which \$75,000,000 is for grants to assist in construction of new, or replacement or rehabilitation of existing, teaching facilities pursuant to section 720 of the Act including \$15,000,000 for dental facilities as authorized by subsections (2) and (3) of said section; \$4,800,000 is for grants to assist in construction of new, or replacement or rehabilitation of existing, facilities for collegiate schools of nursing; \$3,200,000 is for grants to assist in construction of new, or replacement or rehabilitation of existing, facilities for associate degree and diploma schools of nursing; and \$1,800,000 is for grants to assist in construction of new, or replacement or rehabilitation of existing, facilities for training centers for allied health professions: *Provided*, That amounts appropriated herein shall remain available until expended.

PAYMENT OF SALES INSUFFICIENCIES

81 Stat. 401.
78 Stat. 800;
80 Stat. 164.
12 USC 1717.

For the payment of such insufficiencies as may be required by the trustee on account of outstanding beneficial interest or participations in the Health Professions Education Fund assets or Nurse Training Fund assets, authorized by the Department of Health, Education, and Welfare Appropriation Act, 1968, to be issued pursuant to said section 302(c), \$200,000.

DISEASE PREVENTION AND ENVIRONMENTAL CONTROL

CHRONIC DISEASES

42 USC 282,
283.

To carry out sections 301, 311, 402(g), and 403(a)(1) of the Act, with respect to chronic diseases, \$28,942,000.

COMMUNICABLE DISEASES

42 USC 263a,
264-272.

42 USC 252.
42 USC 249.

To carry out, except as otherwise provided for, those provisions of sections 301, 311, 353, and 361 to 369 of the Act relating to the prevention and suppression of communicable and preventable diseases and the introduction from foreign countries, and the interstate transmission and spread thereof; including medical examination of aliens in accordance with section 325 of the Act, care and treatment of quarantine detainees pursuant to section 322(e) of the Act in private or other public hospitals when facilities of the Public Health Service are not available, insurance of official motor vehicles in foreign countries when required by the law of such countries; licensing of labora-

tories; purchase of not to exceed one passenger motor vehicle for replacement only; and purchase, hire, maintenance, and operation of aircraft; \$62,144,000.

AIR POLLUTION

To carry out the Clean Air Act, as amended, and the functions of the Secretary of Health, Education, and Welfare under the provisions of section 48(h)(12)(C)(ii) of the Internal Revenue Code of 1954 (80 Stat. 1508, 1512), including purchase of not to exceed eight passenger motor vehicles, and hire, maintenance, and operation of aircraft, \$88,733,000, of which \$18,700,000 shall remain available until expended to carry out section 104 of the Clean Air Act.

81 Stat. 485.
42 USC 1857
note.

26 USC 48.

URBAN AND INDUSTRIAL HEALTH

To carry out sections 301, 311, and 361 of the Act with respect to occupational health, injury control, arctic health, milk, food, and environmental sanitation, and interstate quarantine activities; section 2(k) of the Water Quality Act of 1965 (79 Stat. 903); and the functions of the Secretary of Health, Education, and Welfare under the Solid Waste Disposal Act of 1965 (79 Stat. 997) and the Flammable Fabrics Act (15 U.S.C. 1191), as amended; \$42,995,000.

42 USC 241,
243, 264.

33 USC 466-1
note.

42 USC 3251
note.

67 Stat. 111;
81 Stat. 568.

RADIOLOGICAL HEALTH

To carry out sections 301 and 311 of the Act, with respect to radiological health; including hire, maintenance, and operation of aircraft; and for expenses necessary for the Office of the Director, Bureau of Disease Prevention and Environmental Control; \$17,743,000.

HEALTH SERVICES

COMMUNITY HEALTH SERVICES

To carry out, to the extent authorized by law and not otherwise provided, sections 301, 304, 310, and 311, of the Act, Executive Order 11074 of January 8, 1963, and for expenses necessary in the Office of the Director, Bureau of Health Services, \$49,931,000, of which \$7,200,000 shall be available for special grants for health of migratory workers: *Provided*, That \$4,320,000 may be transferred to this appropriation, as authorized by section 201(g)(1) of the Social Security Act, as amended, from any one or all of the trust funds referred to therein and may be expended for functions delegated to the Surgeon General by the Secretary under title XVIII of the Social Security Act.

42 USC 242b,
242h.
3 CFR 1959-
1963 Comp.,
p. 691.

79 Stat. 338.
42 USC 401.

79 Stat. 291.
42 USC 1395-
1395ll.

PATIENT CARE AND SPECIAL HEALTH SERVICES

For carrying out the functions of the Public Health Service, not otherwise provided for, under the Act of August 8, 1946 (5 U.S.C. 7901), and under sections 301, 311, 321, 322, 324, 326, 328, 331, 332, 502, and 504 of the Act, section 810 of the Act of July 1, 1944, as amended (33 U.S.C. 763c), the Act of July 19, 1963 (Public Law 88-71), and Private Law 419 of the Eighty-third Congress, as amended: \$70,443,000, of which \$1,200,000 shall be available only for payments to the State of Hawaii for care and treatment of persons afflicted with leprosy: *Provided*, That when the Public Health Service establishes or operates a health service program for any department or agency, payment for the estimated cost shall be made by way of reimbursement or in advance for deposit to the credit of this appropriation.

60 Stat. 903;
80 Stat. 530.
42 USC 248,
249, 251, 253,
254a, 255, 256,
220, 222.
77 Stat. 83.
42 USC 253a.
66 Stat. A74.

HOSPITAL CONSTRUCTION ACTIVITIES

42 USC 291-291o.

77 Stat. 284.

77 Stat. 290;
79 Stat. 427.

To carry out the provisions of title VI of the Act, as amended, and, except as otherwise provided, parts B and C of the Mental Retardation Facilities Construction Act (42 U.S.C. 2661-2677), and the Community Mental Health Centers Act (42 U.S.C. 2681-2687), \$258,368,000, of which \$162,400,000 shall be available until June 30, 1970 (except that funds for Guam, American Samoa, and the Virgin Islands shall be available until June 30, 1971), for grants or loans for hospitals and related facilities pursuant to section 601(b) of the Public Health Service Act, and \$92,000,000 shall be available until June 30, 1970 (except that funds for Guam, American Samoa, and the Virgin Islands shall be available until June 30, 1971), for grants or loans for facilities pursuant to section 601(a) of the Public Health Service Act: *Provided*, That allotments to States for the fiscal year ending June 30, 1969, pursuant to section 602 of the Act shall include, in addition to funds appropriated herein, funds appropriated for this purpose for the fiscal year ending June 30, 1968, but not allotted to States for that fiscal year.

NATIONAL INSTITUTES OF HEALTH

BIOLOGICS STANDARDS

42 USC 262, 263.

To carry out sections 351 and 352 of the Act pertaining to regulation and preparation of biological products, and conduct of research related thereto, \$8,499,000.

NATIONAL CANCER INSTITUTE

42 USC 281-286.

To enable the Surgeon General, upon the recommendations of the National Advisory Cancer Council, to make grants-in-aid for research and training projects relating to cancer; and to otherwise carry out the provisions of title IV, part A, of the Act; \$185,149,500.

NATIONAL HEART INSTITUTE

62 Stat. 464.
42 USC 287
note.

For expenses, not otherwise provided for, necessary to carry out the purposes of the National Heart Act, \$166,927,500.

NATIONAL INSTITUTE OF DENTAL RESEARCH

For expenses, not otherwise provided for, necessary to enable the Surgeon General to carry out the purposes of the Act with respect to dental diseases and conditions, \$29,983,500.

NATIONAL INSTITUTE OF ARTHRITIS AND METABOLIC DISEASES

For expenses necessary to carry out the purposes of the Act relating to arthritis, rheumatism, and metabolic diseases, \$143,888,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISEASES AND BLINDNESS

For expenses necessary to carry out the purposes of the Act relating to neurology and blindness, \$128,934,500.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For expenses, not otherwise provided for, necessary to carry out the purposes of the Act relating to allergy and infectious diseases, \$96,840,500, of which \$500,000 shall be available for payment to the

Gorgas Memorial Institute for maintenance and operation of the Gorgas Memorial Laboratory.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For expenses not otherwise provided for, necessary to carry out the purposes of the Act with respect to general medical sciences, including the training of clinical anesthesiologists, \$163,513,500.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For expenses, not otherwise provided for, necessary to carry out the purposes of the Act with respect to child health and human development, \$73,126,500.

REGIONAL MEDICAL PROGRAMS

To carry out title IX of the Act, \$61,907,000, of which \$56,200,000 shall remain available until June 30, 1970, for grants pursuant to such title. 79 Stat. 926.
42 USC 299-299i.

ENVIRONMENTAL HEALTH SCIENCES

To carry out, except as otherwise provided for, sections 301 and 311 of the Act with respect to environmental health activities, \$17,820,000. 42 USC 241, 243.

GENERAL RESEARCH AND SERVICES, NATIONAL INSTITUTES OF HEALTH

For the activities of the National Institutes of Health, not otherwise provided for, including research fellowships and grants for research projects and training grants pursuant to section 301 of the Act; and grants of therapeutic and chemical substances for demonstrations and research; \$84,809,500: *Provided*, That funds advanced to the National Institutes of Health management fund from appropriations included in this Act shall be available for the cost of sharing medical care facilities and resources pursuant to section 328 of the Act, purchase of not to exceed nine passenger motor vehicles for replacement only; and not to exceed \$2,500 for entertainment of visiting scientists when specifically approved by the Surgeon General. 81 Stat. 539.
42 USC 254a.

GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES

For grants pursuant to part A of title VII of the Act, \$8,400,000, to remain available until expended. 42 USC 292-292j.

JOHN E. FOGARTY INTERNATIONAL CENTER FOR ADVANCED STUDY IN THE HEALTH SCIENCES

For the John E. Fogarty International Center for Advanced Study in the Health Sciences, \$600,000.

GENERAL RESEARCH SUPPORT GRANTS

For general research support grants, as authorized in section 301 (d) of the Act, there shall be available from appropriations available to the National Institutes of Health and the National Institute of Mental Health for operating expenses, the sum of \$60,700,000: *Provided*, That none of these funds shall be used to pay a recipient of such a grant any amount for indirect expenses in connection with such project.

NATIONAL INSTITUTE OF MENTAL HEALTH

MENTAL HEALTH RESEARCH AND SERVICES

For expenses necessary for carrying out the provisions of sections 301, 302, 303, 311, 312, 321, 322, 324, 326, 341, 343, 344, 502, and 504 of the Act, section 810 of the Act of July 1, 1944, as amended (33 U.S.C. 763c), the Act of July 19, 1963 (Public Law 88-71), with respect to mental diseases, and Executive Order 9079 of February 26, 1942, including purchase and exchange of farm products and livestock; and purchase of firearms and ammunition; and, to the extent not otherwise provided, of the Community Mental Health Centers Act (42 U.S.C. 2681-2688), as amended, and the Narcotic Addict Rehabilitation Act of 1966 (Public Law 89-793), \$263,139,000.

COMMUNITY MENTAL HEALTH RESOURCE SUPPORT

For grants pursuant to the Community Mental Health Centers Act, as amended, \$87,300,000, of which \$15,000,000 for construction shall remain available until June 30, 1970: *Provided*, That allotments to States for the fiscal year ending June 30, 1969, pursuant to section 202 of the Community Mental Health Centers Act shall include, in addition to funds appropriated herein, funds appropriated for this purpose for the fiscal year ending June 30, 1968, but not allotted to States for that fiscal year: *Provided further*, That \$8,000,000 shall be available for the construction and staffing of facilities for the prevention and treatment of narcotic addiction: *Provided further*, That there may be transferred to this appropriation from "Mental retardation" an amount not to exceed the sum of the allotment adjustments made by the Secretary pursuant to section 132(c) of the Mental Retardation Facilities Construction Act.

SAINT ELIZABETHS HOSPITAL, SALARIES AND EXPENSES

For expenses necessary for the maintenance and operation of the hospital, including clothing for patients, and cooperation with organizations or individuals in the scientific research into the nature, causes, prevention, and treatment of mental illness, \$11,077,000, or such amount as may be necessary to provide a total appropriation equal to the difference between the amount of the reimbursements received during the current fiscal year on account of patient care provided by the hospital during such year and \$37,863,000.

OTHER PUBLIC HEALTH SERVICE

NATIONAL HEALTH STATISTICS

For expenses of the National Center for Health Statistics in carrying out the provisions of sections 301, 305, 311, 312(a), 313, and 315 of the Act, \$8,230,000.

NATIONAL LIBRARY OF MEDICINE

To carry out section 301 of the Act and for expenses, not otherwise provided for, necessary to carry out the National Library of Medicine Act (42 U.S.C. 275), and the Medical Library Assistance Act of 1965 (79 Stat. 1059), \$18,160,500, of which \$1,500,000 shall remain available until June 30, 1970.

42 USC 241 et
seq., 220, 222.
77 Stat. 83.
42 USC 253a.
3 CFR 1943
Cum. Supp., p.
1101.

77 Stat. 290;
79 Stat. 427.
80 Stat. 1438.
42 USC 3401
note.

77 Stat. 286.
42 USC 2672.

70 Stat. 960.
42 USC 280b
note.

BUILDINGS AND FACILITIES

The Secretary may accept a conveyance by donation deed of the site for an environmental health facility at Morgantown, West Virginia, notwithstanding a right of reverter in the donor if the property ceases to be used as an environmental health facility.

SCIENTIFIC ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the Public Health Service, as authorized by law, \$15,000,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations to the Public Health Service, for payments in the foregoing currencies.

RETIRED PAY OF COMMISSIONED OFFICERS

For retired pay of commissioned officers, as authorized by law, and for payments under the Retired Serviceman's Family Protection Plan and payments for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C., ch. 55), such amount as may be required during the current fiscal year.

70A Stat. 108.
10 USC 1431-
1446.
72 Stat. 1445;
80 Stat. 862.

SOCIAL AND REHABILITATION SERVICE

GRANTS TO STATES FOR MAINTENANCE PAYMENTS

For grants to States for maintenance payments, as authorized by titles I, X, XIV, and XVI, and part A of title IV of the Social Security Act, \$3,051,900,000.

42 USC 301,
1201, 1351, 1381,
601.

WORK INCENTIVE ACTIVITIES

For carrying out a work incentive program, as authorized by part C of title IV of the Social Security Act, and for related child-care services, as authorized by part A of title IV of the Act, including transfer to the Secretary of Labor, as authorized by section 431 of the Act, \$117,500,000.

81 Stat. 884.
42 USC 630-
644.

GRANTS TO STATES FOR MEDICAL ASSISTANCE

For grants to States for medical assistance (and costs of administration relating thereto), as authorized by title XIX (including section 1908) of the Social Security Act, for medical vendor payments as authorized by titles I, X, XIV, and XVI, and part A of title IV of the Act, and for costs of administration for medical assistance for the aged, as authorized by titles I and XVI of the Act, \$2,118,300,000.

42 USC 1396-
1396g.

SOCIAL SERVICES, ADMINISTRATION, TRAINING, AND DEMONSTRATION PROJECTS

For grants or payments, not otherwise provided for carrying out titles I, X, XIV, XVI, and XIX, part A of title IV, and section 707 of the Social Security Act, including such amounts as may be necessary for transfer to the Secretary of the Treasury for assistance in locating parents, as authorized in section 410 of such Act, and not to exceed \$3,000,000 for grants as authorized in section 707 of the Act, \$594,800,000.

81 Stat. 930.
42 USC 908.

81 Stat. 897.
42 USC 610.

ASSISTANCE FOR REPATRIATED UNITED STATES NATIONALS

75 Stat. 142;
81 Stat. 934.
74 Stat. 308.
24 USC 321-
329.
45 Stat. 1495;
55 Stat. 756.

For necessary expenses of carrying out section 1113 of the Social Security Act, as amended (42 U.S.C. 1313), and of carrying out the provisions of the Act of July 5, 1960 (24 U.S.C. ch. 9), and for care and treatment in accordance with the Acts of March 2, 1929, and October 29, 1941, as amended (24 U.S.C. 191a, 196a), \$545,000, of which \$50,000 shall be apportioned for use pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), only to the extent necessary to provide for requirements not anticipated in the budget estimates.

GRANTS FOR REHABILITATION SERVICES AND FACILITIES

79 Stat. 1282-
1290.
29 USC 32-34,
41a, 41b.

For grants under sections 2, 3, 4(a)(2)(A), 12, and 13 of the Vocational Rehabilitation Act, as amended, \$368,990,000 of which \$345,900,000 is for grants for vocational rehabilitation services under section 2; \$3,200,000 is for grants under section 3; \$8,000,000 (to remain available through June 30, 1971) shall be for planning, preparing for, and initiating special programs to expand vocational rehabilitation services under section 4(a)(2)(A); and \$1,890,000 (to remain available through June 30, 1970) is for grants with respect to workshops and rehabilitation facilities under section 12: *Provided*, That the Secretary shall, within the limits of the allotments and additional allotments for grants under section 2 of such Act, allocate (or from time to time reallocate) among the States, in accordance with regulations, amounts not exceeding in the aggregate \$10,000,000, which may be used only for paying the Federal share of expenditures for the establishment of workshops or rehabilitation facilities where the State funds used for such expenditures are derived from private contributions conditioned on use for a specified workshop or facility, and no part of the allotment or additional allotment to any State for grants under section 2 of said Act other than the allocation or reallocation to such State under this proviso may be so used: *Provided further*, That the allotment to any State under section 3(a)(1) of such Act shall be not less than \$25,000.

Grants to States, next succeeding fiscal year: For making, after May 31, of the current fiscal year, grants to States under section 2 of the Vocational Rehabilitation Act, as amended, for the first quarter of the next succeeding fiscal year such sums as may be necessary, the obligations incurred and the expenditures made thereunder to be charged to the appropriation therefor for that fiscal year: *Provided*, That the payments made pursuant to this paragraph shall not exceed the amount paid to the States for the first quarter of the current fiscal year.

MENTAL RETARDATION

42 USC 241,
242a, 243.

77 Stat. 284;
81 Stat. 528.
42 USC 2661 *et*
seq.

To carry out, except as otherwise provided for, sections 301, 303, and 311 of the Public Health Service Act, relating to the prevention, treatment, and amelioration of mental retardation, and parts B, C, and D of the Mental Retardation Facilities Construction Act (42 U.S.C. 2261, *et seq.*), \$32,556,000, of which \$9,100,000, shall remain available until expended, for grants for facilities pursuant to part B of the Mental Retardation Facilities Construction Act, \$6,000,000 shall remain available until June 30, 1970, for grants for facilities pursuant to part C of the Mental Retardation Facilities Construction Act, and \$8,358,000 shall be available for grants pursuant to part D of the Mental Retardation Facilities Construction Act: *Provided*, That there may be transferred to this appropriation from "Community mental health resource support" an amount not to exceed the sum of the allot-

ment adjustment made by the Secretary pursuant to section 202(c) of the Community Mental Health Centers Act: *Provided further*, That allotments to States for the fiscal year ending June 30, 1969, pursuant to section 132 of the Mental Retardation Facilities Construction Act shall include, in addition to funds appropriated herein, funds appropriated for this purpose for the fiscal year ending June 30, 1968, but not allotted to States for that fiscal year.

77 Stat. 290.
42 USC 2682.

77 Stat. 286.
42 USC 2672.

MATERNAL AND CHILD HEALTH AND WELFARE

For grants, contracts and other arrangements under title V of the Social Security Act and under Part B of title IV of such Act, \$265,400,000, of which \$209,200,000 shall be for such title V; and \$56,200,000 shall be for Part B of title IV (and of this amount \$10,200,000 shall be for projects under section 426 of the Act): *Provided*, That any allotment to a State pursuant to section 503(2) or 504(2) of such Act shall not be included in computing for the purposes of subsections (a) and (b) of section 506 of such Act an amount expended or estimated to be expended by the State: *Provided further*, That \$4,750,000 of the amount available under section 503(2) of such Act shall be used only for special projects for mentally retarded children, and \$5,000,000 of the amount available under section 504(2) of such Act shall be used only for special projects for services for crippled children who are mentally retarded.

81 Stat. 921,
911.
42 USC 701-715,
620-626.

DEVELOPMENT OF PROGRAMS FOR THE AGING

To carry out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, \$23,000,000.

79 Stat. 218;
81 Stat. 106.
42 USC 3001
note.

COOPERATIVE RESEARCH OR DEMONSTRATION PROJECTS

For grants, contracts, and jointly financed cooperative arrangements for research or demonstration projects under section 1110 of the Social Security Act, as amended (42 U.S.C. 1310), \$3,150,000.

70 Stat. 851.

REHABILITATION RESEARCH AND TRAINING

For grants and other expenses (except administrative expenses) for research, training, traineeships, and other special projects, pursuant to sections 4, 7, and 16, of the Vocational Rehabilitation Act, as amended, and not to exceed \$100,000 for carrying out functions authorized by the International Health Research Act of 1960 (74 Stat. 364), \$64,000,000.

29 USC 34, 37,
42.
22 USC 2101
note.

VOCATIONAL REHABILITATION RESEARCH AND TRAINING

(SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the Social and Rehabilitation Service, in connection with activities related to vocational rehabilitation, aging and other research and training by the Social and Rehabilitation Service, as authorized by law, \$5,000,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations to such Service, for payments in the foregoing currencies.

SOCIAL AND REHABILITATION SERVICE, SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the Social and Rehabilitation Service, including purchase of reports and material for the publications of the Children's Bureau and of reprints for distribution, \$26,383,000, together with not to exceed \$348,000 to be transferred from the Federal Disability Insurance Trust Fund and the Federal Old-Age and Survivors Insurance Trust Fund, as provided in Section 222(d)(5) of the Social Security Act.

Grants to States, payments after April 30: For making, after April 30 of the current fiscal year, payments to States under titles I, IV, V, X, XIV, XVI, and XIX, respectively, of the Social Security Act, for the last two months of the current fiscal year (except with respect to activities included in the appropriation for "Work incentive activities") and for the first quarter of the next succeeding fiscal year, such sums as may be necessary, the obligations incurred and the expenditures made thereunder for payments under each of such titles to be charged to the subsequent appropriations therefor for the current or succeeding fiscal year.

In the administration of titles I, IV (other than part C thereof), V, X, XIV, XVI, and XIX, respectively, of the Social Security Act, payments to a State under any of such titles for any quarter in the period beginning April 1 of the prior year, and ending June 30 of the current year, may be made with respect to a State plan approved under such title prior to or during such period, but no such payment shall be made with respect to any plan for any quarter prior to the quarter in which such plan was submitted for approval.

Such amounts as may be necessary from the appropriations for "Grants to States for maintenance payments," "Grants to States for medical assistance," and "Social services, administration, training, and demonstration projects," shall be available for grants to States for any period in the prior fiscal year subsequent to March 31, of that year.

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON SALARIES AND EXPENSES

For necessary expenses, not more than \$768,145,000 may be expended as authorized by section 201(g)(1) of the Social Security Act, as amended, from any one or all of the trust funds referred to therein: *Provided*, That such amounts as are required shall be available to pay the cost of necessary travel incident to medical examinations or hearings for verifying disabilities or for review of disability determinations, of individuals who file applications for disability determinations under title II of the Social Security Act, as amended: *Provided further*, That \$25,000,000 of the foregoing amount shall be apportioned for use pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), only to the extent necessary to process workloads not anticipated in the budget estimates and to meet mandatory increases in costs of agencies or organizations with which agreements have been made to participate in the administration of title XVIII and section 221 of title II of the Social Security Act, as amended, and after maximum absorption of such costs within the remainder of the existing limitation has been achieved.

PAYMENT TO TRUST FUNDS FOR HEALTH INSURANCE FOR THE AGED

For payment to the Federal Hospital Insurance and Federal Supplementary Medical Insurance trust funds, as authorized by sections 103(c) and 111(d) of the Social Security Amendments of 1965, and section 1844 of the Social Security Act, \$1,360,227,000.

79 Stat. 408.
42 USC 422.

42 USC 301,
601, 701, 1201,
1351, 1381, 1396.

79 Stat. 338.
42 USC 401.

42 USC 401-429.

42 USC 1395-
1395i-1, 421.

42 USC 426a,
1395i-1,
42 USC 1395w.

PAYMENT FOR MILITARY SERVICE CREDITS

For payment to the Federal Old-Age and Survivors Insurance, the Federal Disability Insurance, and the Federal Hospital Insurance trust funds for benefit payments and other costs resulting from non-contributory coverage extended certain veterans, as provided under section 217(g) of the Social Security Act, as amended, \$105,000,000.

79 Stat. 396.
42 USC 417.

PAYMENT FOR SPECIAL BENEFITS FOR THE AGED

For payment to the Federal Old-Age and Survivors Insurance Trust Fund, as authorized by section 228(g) of the Social Security Act, \$225,545,000.

80 Stat. 69.
42 USC 428.

SPECIAL INSTITUTIONS

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101-105), \$1,340,000.

20 Stat. 468;
75 Stat. 627.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For carrying out the National Technical Institute for the Deaf Act (Public Law 89-36), \$800,000, to remain available until expended.

79 Stat. 125.
20 USC 681
note.

MODEL SECONDARY SCHOOL FOR THE DEAF, SALARIES AND EXPENSES

For carrying out the Model Secondary School for the Deaf Act (Public Law 89-694), \$400,000.

80 Stat. 1027.
D.C. Code 31-
1051 note.

MODEL SECONDARY SCHOOL FOR THE DEAF, CONSTRUCTION

For carrying out the Model Secondary School for the Deaf Act (Public Law 89-694), \$445,000, to remain available until expended.

GALLAUDET COLLEGE, SALARIES AND EXPENSES

For the partial support of Gallaudet College, including personal services and miscellaneous expenses, and repairs and improvements as authorized by the Act of June 18, 1954 (Public Law 420), \$3,635,000: *Provided*, That Gallaudet College shall be paid by the District of Columbia, in advance at the beginning of each quarter, at a rate not less than \$1,640 per school year for each student receiving elementary or secondary education pursuant to the Act of March 1, 1901 (31 D.C. Code 1008).

68 Stat. 265.
D.C. Code 31-
1025 to 31-1032.

31 Stat. 844.

HOWARD UNIVERSITY, SALARIES AND EXPENSES

For the partial support of Howard University, including personal services, miscellaneous expenses, and repairs to buildings and grounds, \$17,830,000.

HOWARD UNIVERSITY, CONSTRUCTION

For the construction, purchase, renovation, and equipment of buildings and facilities for Howard University, under the supervision of the General Services Administration, including planning, architectural, and engineering services, \$2,209,000, to remain available until expended.

FREEDMEN'S HOSPITAL, SALARIES AND EXPENSES

For expenses necessary for operation and maintenance, including repairs; furnishing, repairing, and cleaning of wearing apparel used by employees in the performance of their official duties; transfer of funds to the appropriation "Howard University, salaries and expenses" for salaries of technical and professional personnel detailed to the hospital; payments to Howard University for actual cost of steam for heat and other purposes furnished by such university; for employee benefits and hospital insurance coverage; \$8,739,000: *Provided*, That no intern or resident physician receiving compensation from this appropriation on a full-time basis shall receive compensation in the form of wages or salary from any other appropriation in this title: *Provided further*, That the District of Columbia shall pay by check to Freedmen's Hospital, upon the request of Howard University, in advance at the beginning of each quarter, such amount as the University calculates will be earned on the basis of rates approved by the Bureau of the Budget for the care of patients certified by the District of Columbia. Bills rendered by the University on the basis of such calculations shall not be subject to audit or certification in advance of payment, but proper adjustment of amounts which have been paid in advance on the basis of such calculations shall be made at the end of each quarter.

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For expenses necessary for the Office of the Secretary, including \$100,000 for the National Advisory Committee on Education of the Deaf, \$8,405,000, together with not to exceed \$1,282,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

79 Stat. 338.
42 USC 401.

OFFICE OF FIELD COORDINATION, SALARIES AND EXPENSES

For expenses necessary for the Office of Field Coordination, \$2,508,000, together with not to exceed \$2,043,000 to be transferred, and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein; and not to exceed \$36,000 to be transferred from the operating fund, Bureau of Federal Credit Unions.

OFFICE OF THE COMPTROLLER, SALARIES AND EXPENSES

For expenses necessary for the Office of the Comptroller, \$8,544,000, together with not to exceed \$1,255,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

OFFICE OF ADMINISTRATION, SALARIES AND EXPENSES

For expenses necessary for the Office of Administration, \$2,612,000, together with not to exceed \$302,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

SURPLUS PROPERTY UTILIZATION

For expenses necessary for carrying out the provisions of subsections 203 (j), (k), (n), and (o), of the Federal Property and Administrative Services Act of 1949, as amended, relating to disposal of real and personal surplus property for educational purposes, civil defense purposes, and protection of public health, \$1,186,000.

70 Stat. 493,
494; 63 Stat. 387;
69 Stat. 84, 430.
40 USC 484.

OFFICE OF THE GENERAL COUNSEL, SALARIES AND EXPENSES

For expenses necessary for the Office of the General Counsel, \$2,125,000, together with not to exceed \$29,000 to be transferred from "Revolving fund for certification and other services, Food and Drug Administration," and not to exceed \$1,346,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from any one or all of the trust funds referred to therein.

79 Stat. 338.
42 USC 401.

EDUCATIONAL BROADCASTING FACILITIES

For grants to assist construction of educational broadcasting facilities, as authorized by part IV of Title III of the Communications Act of 1934, as amended (76 Stat. 64; 81 Stat. 365), and for related salaries and expenses, to remain available until expended, \$4,375,000, of which not to exceed \$375,000 shall be available for such salaries and expenses during the current fiscal year.

47 USC 390-
399.

PAYMENT TO THE CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, authorized to be established by section 396 of the Communications Act of 1934, as amended, for expenses of the Corporation, \$5,000,000, to remain available until expended.

GENERAL PROVISIONS

SEC. 201. None of the funds appropriated by this title to the Social and Rehabilitation Service for grants-in-aid of State agencies to cover, in whole or in part, the cost of operation of said agencies, including the salaries and expenses of officers and employees of said agencies, shall be withheld from the said agencies of any States which have established by legislative enactment and have in operation a merit system and classification and compensation plan covering the selection, tenure in office, and compensation of their employees, because of any disapproval of their personnel or the manner of their selection by the agencies of the said States, or the rates of pay of said officers or employees.

Withholding of
funds, restriction.

SEC. 202. The Secretary is authorized to make such transfers of motor vehicles, between bureaus and offices, without transfer of funds, as may be required in carrying out the operations of the Department.

Motor vehicles,
transfer.

SEC. 203. None of the funds provided herein shall be used to pay any recipient of a grant for the conduct of a research project an amount equal to as much as the entire cost of such project.

Research grants.

SEC. 204. None of the funds contained in this Act shall be used for any activity the purpose of which is to require any recipient of any project grant for research, training, or demonstration made by any officer or employee of the Department of Health, Education, and Welfare to pay to the United States any portion of any interest or other income earned on payments of such grant made before July 1, 1964; nor shall any of the funds contained in this Act be used for any activity the purpose of which is to require payment to the United States of any

Use of funds,
restriction.

portion of any interest or other income earned on payments made before July 1, 1964, to the American Printing House for the Blind.

Funds subject
to audit.

SEC. 205. Expenditures from funds appropriated under this title to the American Printing House for the Blind, Howard University and Gallaudet College shall be subject to audit by the Secretary of Health, Education, and Welfare.

Federal posi-
tions in Washing-
ton area.

SEC. 206. None of the funds contained in this title shall be available for additional permanent Federal positions in the Washington area if the proportion of additional positions in the Washington area in relation to the total new positions is allowed to exceed the proportion existing at the close of fiscal year 1966.

Citation of title.

This title may be cited as the "Department of Health, Education, and Welfare Appropriation Act, 1969".

TITLE III—RELATED AGENCIES

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

61 Stat. 136.

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141-167), and other laws, \$35,074,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes.

61 Stat. 137.

52 Stat. 1060.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

44 Stat. 577;
49 Stat. 1189.

48 Stat. 1189;
80 Stat. 208.

For expenses necessary for carrying out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151-188), including temporary employment of referees under section 3 of the Railway Labor Act, as amended, at rates not in excess of \$100 per diem; and emergency boards appointed by the President pursuant to section 10 of said Act (45 U.S.C. 160), \$2,492,000.

RAILROAD RETIREMENT BOARD

PAYMENT FOR MILITARY SERVICE CREDITS

54 Stat. 1014;
60 Stat. 729.

For payments to the railroad retirement account for military service credits under the Railroad Retirement Act, as amended (45 U.S.C. 228c-1), \$18,446,000.

LIMITATION ON SALARIES AND EXPENSES

For expenses necessary for the Railroad Retirement Board, \$14,490,000, of which \$14,130,000 shall be derived from the railroad retirement account, and \$360,000 shall be derived from the railroad retirement supplemental account, as authorized by Public Law 89-699,

approved October 30, 1966: *Provided*, That \$100,000 of the foregoing total amount shall be apportioned for use pursuant to section 3679 of the Revised Statutes as amended (31 U.S.C. 665) only to the extent necessary to process workloads not anticipated in the budget estimates and after maximum absorption of the costs of such workloads within the existing limitation has been achieved.

80 Stat. 1074.
45 USC 228o.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Service to carry out the functions vested in it by the Labor-Management Relations Act, 1947 (29 U.S.C. 171-180, 182), including expenses of the Labor-Management Panel as provided in section 205 of said Act; expenses of boards of inquiry appointed by the President pursuant to section 206 of said Act; temporary employment of arbitrators, conciliators, and mediators on labor relations at rates not in excess of \$100 per diem; rental of conference rooms in the District of Columbia; and Government-listed telephones in private residences and private apartments for official use in cities where mediators are officially stationed, but no Federal Mediation and Conciliation Service office is maintained; \$8,090,000.

61 Stat. 152.

UNITED STATES SOLDIERS' HOME

OPERATION AND MAINTENANCE

For maintenance and operation of the United States Soldiers' Home, to be paid from the Soldiers' Home permanent fund, \$8,602,000: *Provided*, That this appropriation shall not be available for the payment of hospitalization of members of the Home in United States Army hospitals at rates in excess of those prescribed by the Secretary of the Army, upon the recommendation of the Board of Commissioners of the Home and the Surgeon General of the Army.

CAPITAL OUTLAY

For construction of buildings and facilities, including plans and specifications, and furnishings, to be paid from the Soldiers' Home permanent fund, \$726,000, to remain available until expended.

OFFICE OF ECONOMIC OPPORTUNITY

ECONOMIC OPPORTUNITY PROGRAM

For expenses necessary to carry out the provisions of the Economic Opportunity Act of 1964 (Public Law 88-452, approved August 20, 1964), as amended, \$1,948,000,000, plus reimbursements: *Provided*, That those provisions of the Economic Opportunity Amendments of 1967 that set mandatory funding levels for programs newly authorized therein shall not be effective during the fiscal year ending June 30, 1969: *Provided further*, That this appropriation shall be available for transfers to the economic opportunity loan funds for loans under title III, and amounts so transferred shall remain available until expended: *Provided further*, That this appropriation shall be available for the purchase and hire of passenger motor vehicles, and for construction,

78 Stat. 508.
42 USC 2701
note.
81 Stat. 672.
42 USC 2711
note.

42 USC 2841-
2881.

42 USC 2942.

42 USC 2711-
2768, 2781-2837,
2921-2933, 2941-
2980, 2991-2994d.

alteration, and repair of buildings and other facilities, as authorized by section 602 of the Economic Opportunity Act of 1964, and for purchase of real property for training centers: *Provided further*, That this appropriation shall not be available for contracts under titles I, II, V, VI, and VIII extending for more than twenty-four months: *Provided further*, That no part of the funds appropriated in this paragraph shall be available for any grant until the Director has determined that the grantee is qualified to administer the funds and programs involved in the proposed grant: *Provided further*, That all grant agreements shall provide that the General Accounting Office shall have access to the records of the grantee which bear exclusively upon the Federal grant.

FEDERAL RADIATION COUNCIL

SALARIES AND EXPENSES

For expenses necessary for the Federal Radiation Council, \$127,000.

PRESIDENT'S COMMITTEE ON CONSUMER INTERESTS

SALARIES AND EXPENSES

3 CFR 1964-65
Comp., p. 172.
3 CFR 1967
Comp., p. 278.

For necessary expenses of the President's Committee on Consumer Interests, established by Executive Order 11136 of January 3, 1964, as amended by Executive Order 11349 of May 1, 1967, \$421,000.

NATIONAL COMMISSION ON PRODUCT SAFETY

SALARIES AND EXPENSES

81 Stat. 466.
15 USC 1262
note.

For necessary expenses of the National Commission on Product Safety, authorized by the Act of November 20, 1967 (Public Law 90-146), \$500,000.

TITLE IV—GENERAL PROVISIONS

Experts and
consultants.

80 Stat. 416.
5 USC 5332
note.
Uniforms.

80 Stat. 508;
81 Stat. 206.
Meetings.

Official recep-
tions.

Fiscal year
limitation.

SEC. 401. Appropriations contained in this Act, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18.

SEC. 402. Appropriations contained in this Act available for salaries and expenses shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902).

SEC. 403. Appropriations contained in this Act available for salaries and expenses shall be available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

SEC. 404. The Secretary of Labor and the Secretary of Health, Education, and Welfare are each authorized to make available not to exceed \$7,500 from funds available for salaries and expenses under titles I and II, respectively, for official reception and representation expenses.

SEC. 405. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 406. No part of any appropriation contained in this Act shall be used to finance any Civil Service Interagency Board of Examiners.

SEC. 407. No part of the funds appropriated under this Act shall be used to pay salaries of any Federal employee who is convicted in any Federal, State, or local court of competent jurisdiction, of inciting, promoting, or carrying on a riot, or any group activity resulting in material damage to property or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned.

Payments prohibited to convicted rioters.

SEC. 408. None of the funds in this Act shall be available to finance interdepartmental boards, commissions, councils, committees, or similar groups under section 214 of the Independent Offices Appropriation Act, 1946 (31 U.S.C. 691) which do not have prior and specific Congressional approval of such method of financial support.

Interdepartmental groups.

59 Stat. 134.

SEC. 409. No part of the funds contained in this Act may be used to force busing of students, abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent in order to overcome racial imbalance.

Forced busing of students, etc.

SEC. 410. No part of the funds contained in this Act shall be used to force busing of students, the abolishment of any school or the attendance of students at a particular school in order to overcome racial imbalance as a condition precedent to obtaining Federal funds otherwise available to any State, school district, or school: *Provided*, That the Secretary shall assign as many persons to the investigation and compliance activities of title VI of the Civil Rights Act of 1964 related to elementary and secondary education in the other States as are assigned to the seventeen Southern and border States to assure that this law is administered and enforced on a national basis, and the Secretary is directed to enforce compliance with title VI of the Civil Rights Act of 1964 by like methods and with equal emphasis in all States of the Union and to report to the Congress by March 1, 1969, on the actions he has taken and the results achieved in establishing this compliance program on a national basis: *Provided further*, That notwithstanding any other provision of law, funds or commodities for school lunch programs or medical services may not be recommended for withholding by any official employed under appropriations contained herein in order to overcome racial imbalance: *Provided further*, That notwithstanding any other provision of law, moneys received from national forests to be expended for the benefit of the public schools or public roads of the county or counties in which the national forest is situated, may not be recommended for withholding by any official employed under appropriations contained herein.

78 Stat. 252.
42 USC 2000d-2000d-4.

Report to Congress.

SEC. 411. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan or a grant to any applicant who has been convicted by any court of general jurisdiction of any crime which involves the use of or the assistance to others in the use of force, trespass or the seizure of property under control of an institution of higher education to prevent officials or students at such an institution from engaging in their duties or pursuing their studies.

SEC. 412. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, or grant to any individual who (A) has, within the five-year period immediately preceding his application for such loan, guarantee of a loan, or grant, received a loan, guarantee of a loan, or grant the funds for which were made

available pursuant to an Act making appropriations for the Department of Health, Education, and Welfare, and (B) has used any of the proceeds resulting from such loan, guarantee of a loan, or grant for any purpose other than the purpose for which the loan or grant was made.

Short title.

This Act may be cited as the "Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1969".

Approved October 11, 1968.

Public Law 90-558

October 11, 1968
[H. J. Res. 1459]

JOINT RESOLUTION

Recognizing the significant part which Harry S. Truman played in the creation of the United Nations.

Harry S. Truman.
Recognition.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized and requested to issue on October 24, 1968, a proclamation recognizing the significant part which Harry S. Truman, as President of the United States, played in the creation of the United Nations.

Approved October 11, 1968.

Public Law 90-559

October 11, 1968
[H. R. 17126]

AN ACT

To amend the Food and Agriculture Act of 1965.

Food and Agri-
culture Act of
1965, extension.
79 Stat. 1187.
7 USC 608c
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Food and Agriculture Act of 1965 is extended—

(1) by striking out "through 1969" wherever it appears and substituting "through 1970";

(2) by striking out "1966, 1967, 1968, and 1969" wherever it appears and substituting "1966 through 1970";

(3) by striking out "1969" in sections 103 and 201 and substituting "1970";

(4) by striking out "1967, 1968, and 1969" in section 402(b) and substituting "1967 through 1970";

(5) by striking out "1970" in section 404 and substituting "1971";

(6) by striking out "1966 through the 1969" in section 516 and substituting "1966 through the 1970";

(7) by striking out "1968" and "1969" wherever they appear in section 602(k) and substituting "1969" and "1970", respectively; and

(8) by striking out "or 1969" in section 801 and substituting "1969, or 1970".

Approved October 11, 1968, 8:25 p.m. C.D.T.

7 USC 1782.

7 USC 1428.

7 USC 1427.

7 USC 1379e.

7 USC 1838.

7 USC 1353.

Public Law 90-560

AN ACT

To amend title 39, United States Code, to regulate the mailing of master keys for motor vehicle ignition switches, and for other purposes.

October 12, 1968
[H. R. 14935]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 51 of title 39, United States Code, is amended by adding at the end thereof the following new section:

Motor vehicle master keys.
Mailing, regulation.
74 Stat. 654.
81 Stat. 645.

“§ 4010. Nonmailable motor vehicle master keys

“(a) Except as provided in subsection (b) of this section, any motor vehicle master key, any pattern, impression, or mold from which a motor vehicle master key may be made, and any advertisement for the sale of any such key, pattern, impression, or mold, is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postmaster General directs.

“(b) The Postmaster General is authorized to make such exemptions from the provisions of subsection (a) of this section as he deems necessary.

Exemptions.

“(c) For the purposes of this section, ‘motor vehicle master key’ means any key (other than the key furnished by the manufacturer with the motor vehicle, or the key furnished with a replacement lock, or an exact duplicate of such keys) designed to operate two or more motor vehicle ignition, door, or trunk locks of different combinations.”

Definition.

(b) The table of sections of chapter 51 of title 39, United States Code, immediately preceding section 4001 of such chapter, is amended by adding at the end thereof the following new item:

“4010. Nonmailable motor vehicle master keys.”

SEC. 2. Chapter 83 of title 18, United States Code, is amended—

62 Stat. 776.

(1) by inserting immediately after section 1716 the following new section:

“§ 1716A. Nonmailable motor vehicle master keys

“Whoever knowingly deposits for mailing or delivery, or knowingly causes to be delivered by mail according to the direction thereon, or at any place to which it is directed to be delivered by the person to whom it is addressed, any matter declared to be nonmailable by section 4010 of title 39, shall be fined not more than \$1,000, or imprisoned not more than one year, or both.”; and

Penalty.

(2) by inserting immediately above item 1717 in the table of sections of such chapter immediately preceding section 1691 of such chapter, the following new item:

“1716A. Nonmailable motor vehicle master keys.”

SEC. 3. The amendments made by the first section and section 2 of this Act shall become effective on the sixtieth day after the date of enactment of this Act.

Effective date.

SEC. 4. Section 5341 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

Wage board employees.
80 Stat. 471.

“(c) When a wage survey is made for the purpose of establishing wage schedules for employees to whom this section applies, the agency or agencies making the survey shall determine whether there exists in the wage survey area a sufficient number of comparable positions in private industry to establish wage schedules for the principal types of Federal positions for which the survey is made. The determination shall be in writing and shall take into consideration all relevant evidence, including evidence submitted by employee organizations recognized as representative of employees in the area. When it is determined that there is an insufficient number of comparable posi-

tions in private industry to establish such wage schedules, the agency or agencies making the survey shall establish rates for such positions in accordance with rates paid for positions in private industry in the nearest wage area which is determined by the agency or agencies involved to be most similar in the nature of its population, employment, manpower, and industry to the wage area for which the survey is being made. The Civil Service Commission shall prescribe regulations necessary for the administration of this subsection."

62 Stat. 815.

SEC. 5. (a) Chapter 203 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 3061. Powers of postal inspectors

"(a) Subject to subsection (b) of this section, postal inspectors may, to the extent authorized by the Postmaster General—

"(1) serve warrants and subpoenas issued under the authority of the United States;

"(2) make arrests without warrant for offenses against the United States committed in their presence; and

"(3) make arrests without warrant for felonies cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such a felony.

"(b) The powers granted by subsection (a) of this section shall be exercised only in the enforcement of laws regarding property of the United States in the custody of the postal service, the use of the mails, and other postal offenses."

(b) The table of sections of chapter 203 of title 18, United States Code, immediately preceding section 3041 of such chapter, is amended by adding at the end thereof the following new item:

"3061. Powers of postal inspectors."

Approved October 12, 1968.

Public Law 90-561

AN ACT

October 12, 1968
[H. R. 8140]

To provide for the settlement of claims against the District of Columbia by officers and employees of the District of Columbia for damage to, or loss of, personal property incident to their service, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Military Personnel and Civilian Employees' Claims Act of 1964, as amended (78 Stat. 767; 31 U.S.C. 240-242, as amended) is amended by the addition of the following subsection:

"(f) The provisions of this Act apply in respect to the damage to, or loss of, personal property incident to service of any officer or employee of the government of the District of Columbia, irrespective of whether the damage or loss occurs within or outside the District of Columbia, except that in applying such provisions in connection with the damage or loss of personal property of an officer or employee of the government of the District of Columbia, the terms 'agency' and 'United States' shall be held to mean the government of the District of Columbia, and the term 'head of agency' shall be held to mean the Commissioner of the District of Columbia."

Approved October 12, 1968.

D.C. employees.
Personal prop-
erty claims.
79 Stat. 789.

Public Law 90-562

AN ACT

October 12, 1968
[H. R. 5117]

To authorize the Secretary of the Interior to construct, operate, and maintain stage 1 and to acquire lands for stage 2 of the Palmetto Bend reclamation project, Texas, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to construct, operate, and maintain the first stage and to acquire lands for the second stage of the Palmetto Bend Federal reclamation project, Texas, in accordance with the Federal reclamation laws (Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereof or supplementary thereto) for the purposes of storing, regulating, and furnishing water for municipal and industrial use, conserving and developing fish and wildlife resources, and enhancing outdoor recreation opportunities. The stage 1 development of the project shall consist of the following principal works: Palmetto Bend Dam and Reservoir on the Navidad River near Edna, Texas, and recreation facilities.

Palmetto Bend
reclamation proj-
ect, Texas.
Construction.

43 USC 371 note.

SEC. 2. (a) Costs of the project or any unit or stage thereof allocated to municipal and industrial water supply shall be repayable with interest, by the municipal and industrial water users over a period of not more than fifty years from the date that water is first delivered for that purpose, pursuant to contracts with municipal corporations, organizations, or other entities as defined in section 2(g) of the Reclamation Project Act of 1939 (53 Stat. 1187). Such contracts shall be precedent to the commencement of construction of the project. Contracts may be entered into with a qualified entity or entities pursuant to the provisions of this Act without regard to the last sentence of subsection 9(c) of the Reclamation Project Act of 1939, supra.

Power priv-
ileges.
Repayment
costs.

43 USC 485a.

43 USC 485h.

(b) If contracts for the repayment of all of the costs allocated to municipal and industrial water supply shall not have been executed within five years of the date of enactment of this Act, the authorization herein granted to the Secretary shall thereupon terminate.

(c) The interest rate used for computing interest during construction and interest on the unpaid balance of the costs of the project allocated to municipal and industrial water supply shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is commenced, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption for fifteen years from date of issue.

Interest rate,
determination.

SEC. 3. (a) The Secretary is authorized to transfer to a qualified contracting entity or entities the care, operation, and maintenance of the project works, and, if such transfer is made, to credit annually against the contractor's repayment obligation that portion of the year's joint operation and maintenance costs which, if the United States had continued to operate the project, would have been allocated to fish and wildlife and recreation purposes. Prior to assuming care, operation, and maintenance of the project works the contracting entity or entities shall be obligated to operate them in accordance with criteria established by the Secretary of the Interior with respect to fish and wildlife and recreation.

Project care,
operation, etc.
Transfer to
contractor.

(b) Upon complete payment of the obligation assumed, the contracting entity or entities, their designee or designees, shall have a permanent right to use that portion of project reservoir capacity which is or may be allocated to municipal and industrial water supply purposes by the Secretary of the Interior, so long as the space designated for those purposes may be physically available, taking into account such equit-

Permanent usage
right.

able reallocation of reservoir storage capacities among the purposes served by the project as may be necessary due to sedimentation, subject, if the project is then operated by the United States, to payment to the United States of a reasonable annual charge to cover operation and maintenance costs and a fair share of administrative costs applicable to the project.

(c) Expenditures for the Palmetto Bend project may be made without regard to the soil survey and land classification requirements of the Interior Department Appropriation Act of 1954 (67 Stat. 266).

43 USC 390a.
Fish and wild-
life resources and
recreation.

SEC. 4. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the Palmetto Bend project shall be in accordance with the Federal Water Project Recreation Act (79 Stat. 213).

16 USC 460/-
12 note.
Appropriation.

SEC. 5. There is authorized to be appropriated for construction of the first stage of the Palmetto Bend reclamation project the sum of \$34,100,000 (January 1967 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the type of construction involved herein. There are also authorized to be appropriated such additional sums as may be required for the operation and maintenance of the first stage of the project.

Appropriation.

SEC. 6. There is authorized to be appropriated for the acquisition of lands for the second stage of the Palmetto Bend reclamation project the sum of \$2,700,000. If, within twenty years after the initial operation of stage 1 of the project, Congress has not authorized construction of stage 2, the lands acquired pursuant to this section shall be utilized or disposed of in accordance with the provisions of section 3(b)(2) of the Federal Water Project Recreation Act (Act of July 9, 1965, 79 Stat. 214; 16 U.S.C. 4601-14(b)(2)).

Approved October 12, 1968.

Public Law 90-563

AN ACT

October 12, 1968
[H. R. 19831]

To provide funds on behalf of a grateful nation in honor of Dwight David Eisenhower, thirty-fourth President of the United States, to be used in support of construction of educational facilities at Eisenhower College, Seneca Falls, New York, as a distinguished and permanent living memorial to his life and deeds.

Eisenhower
College, Seneca
Falls, N. Y.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall make grants to Eisenhower College of Seneca Falls, New York. Such grants shall be made on condition that the funds so granted will be used for the construction of educational facilities at such college, for the equipment for such facilities, and for the repair, renovation, and rehabilitation thereof (but not for routine and ordinary maintenance).

Appropriation.

SEC. 2. There is hereby authorized to be appropriated to the Secretary of the Treasury for making grants under this Act, amounts which in the aggregate will not exceed gifts, bequests, and devises, of money, securities, and other property, made to Eisenhower College after the date of enactment of this Act, except that the aggregate amount so appropriated shall not exceed \$5,000,000. Funds appropriated under this Act shall remain available until expended.

Approved October 12, 1968.

Public Law 90-564

AN ACT

To amend the Tariff Schedules of the United States with respect to the classification of Chinese gooseberries.

October 12, 1968
[H. R. 2155]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That schedule 1, part 9, subpart B of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended (1) by striking out "Fresh" in item 149.50 and inserting in lieu thereof "Other fruits, fresh", and (2) by inserting immediately before such item the following new item:

Chinese goose-
berries.
Tariff rate, re-
duction.
77A Stat. 52.

" 149.48	Chinese gooseberries (Actinidia Chinensis Planch.), fresh.....	0.6¢ per lb.	1.25¢ per lb.	"
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SEC. 2. (a) The amendments made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption, on or after the thirtieth day after the date of the enactment of this Act.

(b) Effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after January 1, 1969, January 1, 1970, January 1, 1971, and January 1, 1972, item 149.48 of the Tariff Schedules of the United States (as added by the first section of this Act) is amended by striking out the matter in rate column numbered 1 and inserting in lieu thereof, respectively, "0.4¢ per lb.", "0.3¢ per lb.", "0.1¢ per lb.", and "Free".

Future reduc-
tions.

(c) (1) The rates of duty in rate column numbered 1 of the Tariff Schedules of the United States for item 149.48 (as added by the first section of this Act and amended by subsection (b) of this section) shall be treated as not having the status of statutory provisions enacted by the Congress, but as having been proclaimed by the President as being required or appropriate to carry out foreign trade agreements to which the United States is a party.

Status of rate.

(2) For purposes of section 351(b) of the Trade Expansion Act of 1962, the rate of duty in rate column numbered 2 of the Tariff Schedules of the United States for item 149.48 (as added by the first section of this Act) shall be treated as the rate of duty existing on July 1, 1934.

76 Stat. 899;
80 Stat. 110.
19 USC 1981
and note.

Approved October 12, 1968.

Public Law 90-565

JOINT RESOLUTION

To correct certain references in section 4(i) of the Act entitled "An Act to amend chapter 37 of title 38 of the United States Code with respect to the veterans' home loan program, to amend the National Housing Act with respect to interest rates on insured mortgages, and for other purposes", approved May 7, 1968.

October 12, 1968
[S. J. Res. 197]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(i) of the Act of May 7, 1968 (Public Law 90-301), is amended—

Veterans.
Home loans.
Ante, p. 115.

(1) by striking out "(a)", each place it appears, and inserting in lieu thereof "(b)";

(2) by striking out "(4)" and inserting in lieu thereof "(5)"; and

(3) by striking out "(5)" and inserting in lieu thereof "(6)".

Approved October 12, 1968.

Public Law 90-566

October 12, 1968
[S. 2592]

AN ACT

To amend section 539 of the Act approved March 3, 1901, so as to provide notice of the enforcement of a security interest in real property in the District of Columbia to the owner of such real property and the Commissioner of the District of Columbia.

D.C.
Real property
foreclosure, written
notice.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 539 of the Act approved March 3, 1901 (31 Stat. 1274), as amended (D.C. Code, sec. 45-615), is amended by inserting the words "AND NOTICE TO BE GIVEN" immediately after the words "TERMS OF SALE" in the title of said section, inserting the subsection designation "(a)" immediately before the first word of such section, and by adding the following:

"(b) No foreclosure sale under a power of sale provision contained in any deed of trust, mortgage or other security instrument, may take place unless the holder of the note secured by such deed of trust, mortgage, or security instrument, or its agent, gives written notice, by certified mail return receipt requested, of said sale to the owner of the real property encumbered by said deed of trust, mortgage or security instrument at his last known address, with a copy of said notice being sent to the Commissioner of the District of Columbia, or his designated agent, at least 30 days in advance of the date of said sale. Said notice shall be in such format and contain such information as the District of Columbia Council shall by regulation prescribe. The 30-day period shall commence to run on the date of receipt of such notice by the Commissioner. The Commissioner or his agent shall give written acknowledgment to the holder of said note, or its agent, on the day that he receives such notice, that such notice has been received, indicating therein the date of receipt of such notice. The notice required by this subsection (b) in regard to said mortgages and deeds of trust shall be in addition to the notice described by subsection (a) of this section."

Approved October 12, 1968.

Public Law 90-567

October 12, 1968
[H. R. 14098]

AN ACT

To amend the Act entitled "An Act to provide for the annual inspection of all motor vehicles in the District of Columbia", approved February 18, 1938, as amended.

D.C.
Unregistered
motor vehicles,
inspection.
61 Stat. 360.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to provide for the annual inspection of all motor vehicles in the District of Columbia", approved February 18, 1938 (D.C. Code, sec. 40-201), is amended by adding at the end thereof the following new sentences: "The District of Columbia Council may prescribe regulations to permit a person who owns a motor vehicle or trailer not required to be registered in the District of Columbia to have such motor vehicle or trailer inspected in the District of Columbia. Such regulations shall fix the fee for such inspection in such amount as, in the Council's judgment, will be commensurate with the cost to the District of Columbia of such inspection."

Approved October 12, 1968.

Public Law 90-568

AN ACT

To extend the Act of September 7, 1957, relating to aircraft loan guarantees.

October 12, 1968
[S. 2499]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of September 7, 1957 (49 U.S.C. 1324 note) is amended by striking the word "ten" and inserting in lieu thereof the word "fifteen" in section 8.

Aircraft loan
guarantees.
Extension.
71 Stat. 629;
76 Stat. 936.

SEC. 2. Section 4 of such Act of September 7, 1957, is amended by adding at the end thereof the following:

"(g) Unless the Secretary finds that the prospective earning power of the applicant air carrier, together with the character and value of the security pledged, furnish (1) reasonable assurances of the applicant's ability to repay the loan within the time fixed therefor, and (2) reasonable protection to the United States."

Approved October 12, 1968.

Public Law 90-569

AN ACT

To authorize the appropriation for the contribution by the United States for the support of the International Union for the Publication of Customs Tariffs.

October 12, 1968
[S. 1578]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated annually to the Department of State such sums as may be necessary, including contributions pursuant to the convention of July 5, 1890, as amended, for the payment by the United States of its share of the expenses of the International Union for the Publication of Customs Tariffs and of the Bureau established to carry out the functions of the Union, but not to exceed 6 per centum of such expenses per annum.

International
Union for the
Publication of
Customs Tariffs.
Appropriation.

Approved October 12, 1968.

Public Law 90-570

AN ACT

To amend the Act of August 9, 1955, to authorize longer term leases of Indian lands on the pueblos of Cochiti, Pojoaque, Tesuque, and Zuni, in New Mexico.

October 12, 1968
[H. R. 17684]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of the first section of the Act entitled "An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases", approved August 9, 1955 (25 U.S.C. 415), is amended by inserting immediately after "the Fort Mojave Reservation," the following: "the pueblo of Cochiti, the pueblo of Pojoaque, the pueblo of Tesuque, the pueblo of Zuni,".

Indians lands,
N. Mex.

73 Stat. 597;
77 Stat. 301.

Approved October 12, 1968.

Public Law 90-571

October 12, 1968

[H. R. 17104]

AN ACT

To extend until July 15, 1969, the suspension of duty on electrodes for use in producing aluminum.

Certain elec-
trodes.
Duty suspen-
sion, extension.
80 Stat. 169.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the matter appearing in the effective period column for item 909.25 of the Tariff Schedules of the United States (19 U.S.C., sec. 1202, item 909.25) is amended by striking out "7/15/68" and inserting in lieu thereof "7/15/69".

SEC. 2. The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption, after July 15, 1968.

Approved October 12, 1968.

Public Law 90-572

October 12, 1968

[H. R. 17524]

AN ACT

To amend section 502 of the Merchant Marine Act, 1936, relating to construction-differential subsidies.

Vessels.
Construction
subsidy, exten-
sion.
76 Stat. 1200;
80 Stat. 811.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso in the second sentence of subsection (b) of section 502 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1152(b)), is amended by striking out "June 30, 1968," and inserting in lieu thereof "June 30, 1969,".

Approved October 12, 1968.

Public Law 90-573

October 12, 1968

[S. 2017]

AN ACT

To authorize the Commissioner of the District of Columbia to enter into contracts for the inspection, maintenance, and repair of fixed equipment in District-owned buildings for periods not to exceed three years.

D.C. contracts
for building in-
spection, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of the District of Columbia is authorized to enter into contracts for periods not exceeding three years for the inspection, maintenance, and repair of fixed equipment in buildings owned by the District of Columbia.

Approved October 12, 1968.

Public Law 90-574

AN ACT

To amend the Public Health Service Act so as to extend and improve the provisions relating to regional medical programs, to extend the authorization of grants for health of migratory agricultural workers, to provide for specialized facilities for alcoholics and narcotic addicts, and for other purposes.

October 15, 1968
[H. R. 15758]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Public Health
Service Act,
amendment.

TITLE I—REGIONAL MEDICAL PROGRAMS

EXTENSION OF REGIONAL MEDICAL PROGRAMS

SEC. 101. Section 901(a) of the Public Health Service Act (42 U.S.C. 299a) is amended by striking out “and” before “\$200,000,000” and by inserting after “June 30, 1968,” the following: “\$65,000,000 for the fiscal year ending June 30, 1969, and \$120,000,000 for the next fiscal year.”

Appropriations.
79 Stat. 926.

EVALUATION OF REGIONAL MEDICAL PROGRAMS

SEC. 102. Section 901(a) of the Public Health Service Act is further amended by inserting at the end thereof the following new sentence: “For any fiscal year ending after June 30, 1969, such portion of the appropriations pursuant to this section as the Secretary may determine, but not exceeding 1 per centum thereof, shall be available to the Secretary for evaluation (directly or by grants or contracts) of the program authorized by this title.”

INCLUSION OF TERRITORIES

SEC. 103. Section 902(a) (1) of the Public Health Service Act (42 U.S.C. 299b) is amended by inserting after “States” the following: “(which for purposes of this title includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands)”.

COMBINATIONS OF REGIONAL MEDICAL PROGRAM AGENCIES

SEC. 104. Section 903(a) and section 904(a) of the Public Health Service Act (42 U.S.C. 299c, 299d) are each amended by inserting after “other public or nonprofit private agencies and institutions” the following: “, and combinations thereof.”

ADVISORY COUNCIL MEMBERS

SEC. 105. (a) Section 905(a) of the Public Health Service Act (42 U.S.C. 299e) is amended by striking out “twelve” and inserting in lieu thereof “sixteen”.

(b) Section 905(b) of such Act is amended by striking out “and four at the end of the third year” and inserting in lieu thereof “four at the end of the third year, and four at the end of the fourth year”.

Term of office.

MULTIPROGRAM SERVICES

SEC. 106. Title IX of the Public Health Service Act is further amended by adding at the end thereof the following new section:

42 USC 299-
299i.

“PROJECT GRANTS FOR MULTIPROGRAM SERVICES

“SEC. 910. Funds appropriated under this title shall also be available for grants to any public or nonprofit private agency or institution for services needed by, or which will be of substantial use to, any two or more regional medical programs.”

CLARIFYING AND TECHNICAL AMENDMENTS

79 Stat. 926.
42 USC 299a.

SEC. 107. (a) Section 901(c) of the Public Health Service Act is amended by inserting before the period at the end thereof “or, where appropriate, a practicing dentist”.

(b) Section 901 of such Act is further amended by adding at the end thereof the following new subsection:

“(d) Grants under this title to any agency or institution, or combination thereof, for a regional medical program may be used by it to assist in meeting the cost of participation in such program by any Federal hospital.”

TITLE II—MIGRATORY WORKERS

EXTENSION OF SPECIAL GRANTS FOR HEALTH OF MIGRATORY WORKERS

Appropriations.
79 Stat. 436.

SEC. 201. Section 310 of the Public Health Service Act (42 U.S.C. 242h) is amended by striking out “and \$9,000,000 for the fiscal year ending June 30, 1968” and inserting in lieu thereof “\$9,000,000 each for the fiscal year ending June 30, 1968, and the next fiscal year, and \$15,000,000 for the fiscal year ending June 30, 1970”.

Alcoholic and
Narcotic Addict
Rehabilitation
Amendments of
1968.

TITLE III—ALCOHOLIC AND NARCOTIC ADDICT
REHABILITATION

SEC. 300. This title may be cited as the “Alcoholic and Narcotic Addict Rehabilitation Amendments of 1968”.

PART A—ALCOHOLIC REHABILITATION

77 Stat. 290;
79 Stat. 428.

SEC. 301. The Community Mental Health Centers Act (42 U.S.C. 2681, et seq.) is amended by adding after part B the following new part:

“PART C—ALCOHOLISM

“DECLARATION OF FINDINGS AND PURPOSES

“SEC. 240. (a) The Congress hereby finds that—

“(1) Alcoholism is a major health and social problem afflicting a significant proportion of the public, and much more needs to be done by public and private agencies to develop effective prevention and control.

“(2) Alcoholism treatment and control programs should whenever possible: (A) be community based, (B) provide a comprehensive range of services, including emergency treatment, under proper medical auspices on a coordinated basis, and (C) be integrated with and involve the active participation of a wide range of public and nongovernmental agencies.

“(3) The handling of chronic alcoholics within the system of criminal justice perpetuates and aggravates the broad problem of alcoholism whereas treating it as a health problem permits early detection and prevention of alcoholism and effective treatment and rehabilitation, relieves police and other law enforcement agencies of an inap-

propriate burden that impedes their important work, and better serves the interests of the public.

“(b) It is the purpose of this part to help prevent and control alcoholism through authorization of Federal aid in the construction and staffing of facilities for the prevention and treatment of alcoholism.

“(c) The Congress further declares that, in addition to the funds provided for under this part, other Federal legislation providing for Federal or federally assisted research, prevention, treatment, or rehabilitation programs in the fields of health should be utilized to help eradicate alcoholism as a major health problem.

“CONSTRUCTION GRANTS

“SEC. 241. (a) Grants from appropriations under section 261 may be made for projects for construction of any facilities (including post-hospitalization treatment facilities) for the prevention and treatment of alcoholism, but only to a public or nonprofit private agency or organization and only upon an application (1) which meets the requirements for approval under clauses (1) through (5) and clauses (A) and (B) of section 205(a), and (2) which contains—

Post, p. 1010.

“(A) a showing of the need, in the area to be served by the applicant, for special facilities for the inpatient or outpatient treatment, or both, of alcoholism;

77 Stat. 292.
42 USC 2685.
Application,
conditions for
approval.

“(B) satisfactory assurance that the services for prevention and treatment of alcoholism to be provided through the facility to be constructed, alone or in conjunction with other facilities owned or operated by the applicant or affiliated or associated or having an arrangement with the applicant, will be part of a program providing, principally for persons residing in or near the particular community or communities in which such facility is situated, at least those essential elements of comprehensive mental health services and services for the prevention and treatment of alcoholism, including post-institutional aftercare and rehabilitation, that are prescribed by the Secretary;

“(C) satisfactory assurance that the application has been approved and recommended by the single State agency designated by the State as being the agency primarily responsible for care and treatment of alcoholics in the State, and, in case this agency is different from the agency designated pursuant to section 204(a)(1), a showing that the application has also been approved and recommended by the agency designated pursuant to section 204(a)(1), and, in case neither of these is the State mental health authority, a showing that the application has been approved and recommended by such authority;

42 USC 2684.

“(D) a showing that under regulations of the Secretary prescribing the manner of determining priorities the project is entitled to priority over other projects for treatment of alcoholism, if any, within the State, and is in accordance with such criteria, including the willingness and ability to provide satisfactory alternatives to custodial care, as the Secretary may determine to be appropriate for purposes of this section; and

“(E) a showing that adequate provision has been made for compliance with regulations of the Secretary prescribed under section 203(4) relating to furnishing needed services for persons unable to pay therefor and for compliance with State standards for operation and maintenance.

42 USC 2683.

“(b) The amount of any such grant with respect to any project shall be such percentage of the cost thereof, but not in excess of 66⅔ per centum, as the Secretary may determine.

Federal share
of costs.

"STAFFING GRANTS

Post, p. 1010.

"SEC. 242. (a) Grants from appropriations under section 261 may be made to any public or nonprofit private agency or organization to assist it in meeting, for the temporary periods specified in this section, a portion of the costs (determined pursuant to regulations of the Secretary) of compensation of professional and technical personnel for the initial operation of new facilities for the prevention and treatment of alcoholism or of new services in existing facilities for the prevention or treatment of alcoholism.

Duration;
Federal share of
costs.

"(b) Grants for such costs for any facility under this section may be made only for the period beginning with the first day of the first month for which such a grant is made and ending with the close of four years and three months after such first day; and such grants with respect to any facility may not exceed 75 per centum of such costs for the period ending with the close of the fifteenth month following such first day, 60 per centum of such costs for the first year thereafter, 45 per centum of such costs for the second year thereafter, and 30 per centum of such costs for the third year thereafter.

"(c) In making such grants, the Secretary shall take into account the relative needs of the several States for alcoholism programs, the relative financial needs of the applicants, and the relative populations of the areas to be served by the applicants.

Application,
conditions for
approval.

79 Stat. 428.
42 USC 2688a.
Ante, p. 1007.

"(d) A grant under this section may be made only upon an application which meets the requirements for approval under section 221 (a), other than paragraph (3) thereof, and only if (1) a grant was made under part A or section 241 to assist in financing the construction of the facility, or (2) the type of service to be provided with the aid of a grant under this section was not previously being provided by the facility with respect to which such application is made.

"SPECIALIZED FACILITIES

"SEC. 243. (a) Grants from appropriations under section 261 may also be made to public or nonprofit private agencies or organizations for projects for the construction of specialized facilities (including post-hospitalization treatment facilities) for the treatment of alcoholics requiring care in such facilities, and for the costs, determined pursuant to regulations of the Secretary, of compensation of professional and technical personnel for the initial operation of such facilities constructed with grants made under part A or this section or of new services in existing specialized facilities for the treatment of alcoholics.

"(b) Grants may be made under subsection (a) only with respect to (1) facilities which are a part of or affiliated with a community mental health center providing at least those essential elements of comprehensive community mental health services which are prescribed by the Secretary, or (2) where there is no such center serving the community in which such facilities are to be situated, facilities with respect to which satisfactory provision (as determined by the Secretary) has been made for appropriate utilization of existing community resources needed for an adequate program of prevention and treatment of alcoholism.

Duration;
Federal share of
costs.

"(c) Grants made under subsection (a) for the costs of compensation of professional and technical personnel may not exceed the percentages of such costs, and may be made only for the periods, prescribed for grants for such costs under section 242.

“(d) Before a grant may be made under subsection (a) for a project for the construction of a facility for the treatment of alcoholics the Secretary must find that the application for such grant meets the requirement of section 205(a)(5) (relating to the payment of prevailing wages). The amount of any such grant with respect to any project shall be such percentage of the cost thereof, but not in excess of 66⅔ per centum, as the Secretary may determine.

77 Stat. 292.
42 USC 2685.

“PROJECTS ELIGIBLE UNDER REGULAR PROGRAM

“SEC. 244. Nothing in this part shall be construed to preclude approval under part A or B of a grant for a project for the construction or initial staffing of a facility for the prevention and treatment of alcoholism.

42 USC 2681-
2688d.

“PAYMENTS

“SEC. 245. Payments of grants under this part may be made in advance or by way of reimbursement, and on such terms and conditions and in such installments, as the Secretary may determine.

“SHORT TITLE

“SEC. 246. This part may be cited as the ‘Alcoholic Rehabilitation Act of 1968’.”

Citation of part.

PART B—NARCOTIC ADDICTION

SEC. 302. The Community Mental Health Centers Act (42 U.S.C. 2681, et seq.) is further amended by inserting after part C (added by section 301 of this Act) the following new part:

“PART D—NARCOTIC ADDICT REHABILITATION

“GRANTS FOR TREATMENT FACILITIES

“SEC. 251. (a) Grants from appropriations under section 261 may be made to public or nonprofit private agencies and organizations to assist them in meeting the costs of construction of treatment facilities (including posthospitalization treatment facilities) for narcotic addicts within the States, and to assist them in meeting the costs, determined pursuant to regulations of the Secretary, of compensation of professional and technical personnel for the initial operation of such facilities constructed with grants made under part A or this part or of new services in existing treatment facilities for narcotic addicts.

Post, p. 1010.

“(b) The grant program for construction of facilities authorized by subsection (a) shall be carried out consistently with the grant program under part A except to the extent, in the judgment of the Secretary, special considerations make differences appropriate; but (1) before the Secretary may make a grant under such subsection for the construction of a treatment facility for narcotic addicts he must find that the application for such grant meets the requirement of section 205(a)(5) (relating to the payment of prevailing wages), and (2) the amount of any such grant with respect to any project shall be such percentage of the cost thereof, but not in excess of 66⅔ per centum, as the Secretary may determine.

Federal share of
costs.

“(c) Grants made under subsection (a) for the costs of compensation of professional and technical personnel may not exceed the percentages of such costs, and may be made only for the periods, prescribed for grants for such costs under section 242.

Ante, p. 1008.

“TRAINING AND EVALUATION

“SEC. 252. The Secretary is authorized, during the period beginning July 1, 1968, and ending with the close of June 30, 1970, to make grants to any public or nonprofit private agencies and organizations to cover part or all of the cost of (A) developing specialized training programs or materials relating to the provision of public health services for the prevention and treatment of narcotic addiction, or developing in-service training or short-term or refresher courses with respect to the provision of such services; (B) training personnel to operate, supervise, and administer such services; and (C) conducting surveys and field trials to evaluate the adequacy of the programs for the prevention and treatment of narcotic addiction within the several States with a view to determining ways and means of improving, extending, and expanding such programs.

“PROJECTS ELIGIBLE UNDER REGULAR PROGRAM

“SEC. 253. Nothing in this part shall be construed to preclude approval under part A or B of a grant for a project for the construction or initial staffing of a facility for the treatment of narcotic addicts.

42 USC 2681-
2688d.

“PAYMENTS

“SEC. 254. Payments under this part may be made in advance or by way of reimbursement, and on such terms and conditions and in such installments, as the Secretary may determine.”

PART C—GENERAL

AUTHORIZATION OF APPROPRIATIONS; AND PROGRAM EVALUATION

SEC. 303. (a) The Community Mental Health Centers Act (42 U.S.C. 2681, et seq.) is further amended by inserting after part D (added by section 302 of this Act) the following new part:

“PART E—GENERAL PROVISIONS

“AUTHORIZATION OF APPROPRIATIONS FOR REHABILITATION OF ALCOHOLICS AND NARCOTIC ADDICTS

“SEC. 261. (a) There are authorized to be appropriated \$15,000,000 for the fiscal year ending June 30, 1969, and \$25,000,000 for the next fiscal year for project grants for construction and staffing of facilities for the prevention and treatment of alcoholism under part C or the prevention and treatment of narcotic addiction under part D and for grants under section 252. Sums so appropriated for any fiscal year shall remain available for obligation until the close of the next fiscal year.

Ante, p. 1006.

“(b) There are also authorized to be appropriated for the fiscal year ending June 30, 1971, and each of the next three fiscal years such sums as may be necessary to continue to make grants for staffing with respect to any project under part C or D for which a staffing grant was made from appropriations under subsection (a) of this section for the fiscal year ending June 30, 1969, or the fiscal year ending June 30, 1970.

“PROGRAM EVALUATION

“SEC. 262. Such portion (as the Secretary may determine) of any appropriation under this title for any fiscal year ending after June 30, 1968, but not exceeding 1 per centum thereof, shall be available to the Secretary for evaluation (directly or by grants or contracts) of the programs authorized by this title.

“PROTECTION OF PERSONAL RIGHTS OF ALCOHOLICS AND NARCOTIC ADDICTS

“SEC. 263. In making grants to carry out the purposes of parts C and D, the Secretary shall take such steps as may be necessary to assure that no individual shall be made the subject of any research which is carried out (in whole or in part) with funds provided from appropriations under this part unless such individual explicitly agrees to become a subject of such research.”

Ante, pp. 1006, 1009.

(b) There are authorized to be appropriated such sums as may be necessary to enable the Secretary to make grants to continue the projects for which commitments were made under section 402(a) of the Narcotic Addict Rehabilitation Act of 1966, but such grants may be made only for the periods specified in such commitments for such projects. Such section 402 is repealed.

Existing programs, continuation.

80 Stat. 1448.
42 USC 3442.

Repeal.

NONDUPLICATION

SEC. 304. Title IV of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 is amended by adding at the end thereof the following new section:

77 Stat. 296;
79 Stat. 429.
42 USC 2691-2697.

“NONDUPLICATION

“SEC. 409. In determining the amount of any grant under this Act for the costs of any project there shall be excluded from such costs an amount equal to the sum of (1) the amount of any other Federal grant which the applicant has obtained, or is assured of obtaining, with respect to such project, and (2) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.”

TITLE IV—HEALTH FACILITY CONSTRUCTION AND MODERNIZATION

Hospital and Medical Facilities Construction and Modernization Assistance Amendments of 1968.

SEC. 401. This title may be cited as the “Hospital and Medical Facilities Construction and Modernization Assistance Amendments of 1968”.

SEC. 402. (a) Section 601 of the Public Health Service Act is amended—

Appropriations for construction grants.

(1) by striking out “next four” in subsection (a) and inserting in lieu thereof “next five”, and

78 Stat. 448.
42 USC 291a.

(2) by striking out “and \$180,000,000 each for the next two fiscal years” in subsection (b) and inserting in lieu thereof “\$180,000,000 each for the next two fiscal years, and \$195,000,000 for the fiscal year ending June 30, 1970”.

(b) (1) Section 602(a) (1) of such Act is amended by inserting immediately before the period at the end of the second sentence thereof the following: “, and two-thirds thereof in the case of the fifth fiscal year thereafter”.

State allotments.
42 USC 291b.

(2) Section 602(e) (2) of such Act is amended (A) by striking out “and” at the end of clause (C), (B) by striking out the period at the end of clause (D) and inserting in lieu thereof “; and”, and (C) by inserting after and below clause (D) the following new clause:

Percentages.

“(E) in the case of an allotment thereunder for the fiscal year ending June 30, 1970, one-half of such allotment.”

TITLE V—MISCELLANEOUS

SPECIALLY QUALIFIED SCIENTIFIC, PROFESSIONAL, AND ADMINISTRATIVE PERSONNEL

76 Stat. 864.

SEC. 501. The proviso of the first sentence of section 208(g) of the Public Health Service Act (42 U.S.C. 210(g)) is amended by inserting “(1)” after “nor more than”, and by striking out “and” following the last comma and inserting in lieu thereof “or (2) in the case of two such positions, the rate specified, at the time the service in the position is performed, for level II of the Executive Schedule (5 U.S.C. 5313); and such rates of compensation for all positions included in this proviso”.

80 Stat. 460.

USE OF ALLOTMENTS FOR COST OF ADMINISTRATION

77 Stat. 297.

SEC. 502. Section 403 of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (42 U.S.C. 2693) is amended by adding at the end thereof the following new subsection:

42 USC 2681-2687.

“(c) (1) At the request of any State, a portion of any allotment or allotments of such State under part A of title II shall be available to pay one-half (or such smaller share as the State may request) of the expenditures found necessary by the Secretary for the proper and efficient administration during such year of the State plan approved under such part; except that not more than 2 per centum of the total of the allotments of such State for a year, or \$50,000, whichever is less, shall be available for such purpose for such year. Payments of amounts due under this paragraph may be made in advance or by way of reimbursement, and in such installments, as the Secretary may determine.

“(2) Any amount paid under paragraph (1) to any State for any fiscal year shall be paid on condition that there shall be expended from State sources for such year for administration of the State plan approved under such part A not less than the total amount expended for such purposes from such sources during the fiscal year ending June 30, 1968.”

ACKNOWLEDGMENTS

58 Stat. 709.
42 USC 219-229.

SEC. 503. (a) Title V of the Public Health Service Act is further amended by adding at the end thereof the following new section:

“MEMORIALS AND OTHER ACKNOWLEDGMENTS

“SEC. 512. The Secretary may provide for suitably acknowledging, within the Department (whether by memorials, designations, or other suitable acknowledgments), (1) efforts of persons who have contributed substantially to the health of the Nation and (2) gifts for use in activities of the Department related to health.”

Repeal.
60 Stat. 425.

(b) Section 501(e) of such Act is repealed.

DUPLICATION OF BENEFITS

80 Stat. 21.

SEC. 504. No grant, award, or loan of assistance to any student under any Act amended by this Act shall be considered a duplication of benefits for the purposes of section 1781 of title 38, United States Code.

GORGAS MEMORIAL LABORATORY

SEC. 505. For the fiscal year ending June 30, 1970, the appropriation authorization contained in the first section of the Act entitled "An Act to authorize a permanent annual appropriation for the maintenance and operation of the Gorgas Memorial Laboratory", approved May 7, 1928 (22 U.S.C. 278), is increased by \$500,000.

Appropriation.

79 Stat. 679.

ONE YEAR EXTENSION OF SOLID WASTE DISPOSAL AUTHORIZATION

SEC. 506. Section 210 of the Solid Waste Disposal Act (42 U.S.C. 3259) is amended—

79 Stat. 1001.

(1) by striking out "and not to exceed \$20,000,000 for the fiscal year ending June 30, 1969" in subsection (a) and inserting in lieu thereof "not to exceed \$20,000,000 for the fiscal year ending June 30, 1969, and not to exceed \$19,750,000 for the fiscal year ending June 30, 1970"; and

(2) by striking out "and not to exceed \$12,500,000 for the fiscal year ending June 30, 1969" in subsection (b) and inserting in lieu thereof "not to exceed \$12,500,000 for the fiscal year ending June 30, 1969, and not to exceed \$12,250,000 for the fiscal year ending June 30, 1970".

SECRETARY

SEC. 507. As used in the amendments made by this Act, the term "Secretary" means the Secretary of Health, Education, and Welfare.

Approved October 15, 1968.

Public Law 90-575

October 16, 1968
[S. 3769]

AN ACT

To amend the Higher Education Act of 1965, the National Defense Education Act of 1958, the National Vocational Student Loan Insurance Act of 1965, the Higher Education Facilities Act of 1963, and related Acts.

Higher Education
Amendments
of 1968.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, with the following table of contents, may be cited as the "Higher Education Amendments of 1968".

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TITLE I—STUDENT ASSISTANCE

PART A—AMENDMENTS TO EDUCATIONAL OPPORTUNITY GRANT
PROGRAM

EXTENSION OF EDUCATIONAL OPPORTUNITY GRANT PROGRAM

SEC. 101. (a) The first sentence of section 401(b) of the Higher Education Act of 1965 is amended by striking out “two succeeding fiscal years” and inserting in lieu thereof “three succeeding fiscal years, \$100,000,000 for the fiscal year ending June 30, 1970, and \$140,000,000 for the fiscal year ending June 30, 1971”.

79 Stat. 1232.
20 USC 1061.

(b) (1) Such section is further amended by striking out the second sentence thereof.

(2) Sections 405(b), 406(b), and 407(b) (2) of such Act are each amended by striking out “third sentence” and inserting in lieu thereof “second sentence”.

20 USC 1065-
1067.

MAXIMUM AMOUNT OF EDUCATIONAL OPPORTUNITY GRANT; TREATMENT
OF WORK-STUDY ASSISTANCE FOR MATCHING PURPOSES

SEC. 102. The first sentence of section 402 of the Higher Education Act of 1965 is amended by striking out all that follows “which amount” and inserting in lieu thereof the following: “shall not exceed the lesser of \$1,000 or one-half of the sum of the amount of student financial aid (including assistance under this title, and including compensation paid under a work-study program assisted under part C of this title) provided such student by such institution and any assistance provided such student under any scholarship program established by a State or a private institution or organization, as determined in accordance with regulations of the Commissioner.”

20 USC 1062.

ADMINISTRATIVE EXPENSES

SEC. 103. Effective for fiscal years ending on or after June 30, 1970, section 407(a) (1) of the Higher Education Act of 1965 is amended by inserting before the semicolon the following: “and of section 463 of this Act (relating to administrative expenses)”.

20 USC 1067.

Post, p. 1033.

REVISION OF MAINTENANCE OF EFFORT PROVISION

79 Stat. 1234.
20 USC 1067.

SEC. 104. Effective for fiscal years ending on or after June 30, 1970, section 407(a)(4) of the Higher Education Act of 1965 is amended to read as follows:

Post, p. 1033.

“(4) provide that the institution will meet the requirements of section 464 of this Act (relating to maintenance of effort);”.

CONSOLIDATION AND REVISION OF TALENT SEARCH AND UPWARD BOUND PROGRAMS; SPECIAL SERVICES TO DISADVANTAGED STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

20 USC 1068.

SEC. 105. (a) Section 408 of the Higher Education Act of 1965 is amended to read as follows:

“IDENTIFYING QUALIFIED LOW-INCOME STUDENTS; PREPARING THEM FOR POST SECONDARY EDUCATION; SPECIAL SERVICES FOR SUCH STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

“SEC. 408. (a) To assist in achieving the objectives of this part the Commissioner is authorized (without regard to section 3709 of the Revised Statutes (41 U.S.C. 5))—

“(1) to make grants to, or contracts with, institutions of higher education and combinations of institutions of higher education for planning, developing, or carrying out one or more of the programs described in subsection (b),

“(2) to make grants to, or contracts with, public and private nonprofit agencies and organizations (including professional and scholarly associations) and to make contracts with public and private agencies and organizations for planning, developing, or carrying out Talent Search programs described in subsection (b)(1), and

“(3) in exceptional cases, to make grants to, or contracts with, secondary schools, and postsecondary educational institutions accredited by a State, for planning, developing, or carrying out Upward Bound programs described in subsection (b)(2).

No grant or contract for planning, developing, or carrying out a Talent Search program described in subsection (b)(1) may exceed \$100,000 per year.

“(b) The programs referred to in subsection (a) are—

“(1) programs, to be known as ‘Talent Search’, designed to—

“(A) identify qualified youths of financial or cultural need with an exceptional potential for postsecondary educational training and encourage them to complete secondary school and undertake postsecondary educational training.

“(B) publicize existing forms of student financial aid, including aid furnished under this title, and

“(C) encourage secondary-school or college dropouts of demonstrated aptitude to reenter educational programs, including post-secondary-school programs;

“(2) programs, to be known as ‘Upward Bound’, (A) which are designed to generate skills and motivation necessary for success in education beyond high school and (B) in which enrollees from low-income backgrounds and with inadequate secondary-school preparation participate on a substantially full-time basis during all or part of the program; or

“(3) programs, to be known as ‘Special Services for Disadvantaged Students’, of remedial and other special services for students

with academic potential (A) who are enrolled or accepted for enrollment at the institution which is the beneficiary of the grant or contract, and (B) who, by reason of deprived educational, cultural, or economic background, or physical handicap, are in need of such services to assist them to initiate, continue, or resume their postsecondary education.

“(c) (1) Upward Bound programs under paragraph (2) of subsection (b) must include arrangements to assure cooperation among one or more institutions of higher education and one or more secondary schools. Such programs must include necessary health services. Enrollees in such programs may not receive stipends in excess of \$30 per month. The cost of carrying out any such program may not exceed \$150 per enrollee per month. Federal financial assistance by way of grant or contract for such a program may not be in excess of 80 per centum of the cost of carrying out such program. Such programs shall be carried on within the States.

“(2) Special Services for Disadvantaged Students programs carried on under paragraph (3) of subsection (b) may provide, among other things, for—

“(A) counseling, tutorial, or other educational services, including special summer programs, to remedy such students’ academic deficiencies,

“(B) career guidance, placement, or other student personnel services to encourage or facilitate such students’ continuance or reentrance in higher education programs, or

“(C) identification, encouragement, and counseling of any such students with a view to their undertaking a program of graduate or professional education.

“(d) There are authorized to be appropriated to carry out this section \$10,000,000 in the fiscal year ending June 30, 1969 (of which \$500,000 shall be available in connection with planning and related activities for Upward Bound programs described in subsection (b) (2)), \$56,680,000 for the fiscal year ending June 30, 1970, and \$96,000,000 for the fiscal year ending June 30, 1971.”

Appropriation
authorization.

(b) Effective July 1, 1969, section 222(a) of the Economic Opportunity Act of 1964 is amended by striking out paragraph (5) and by redesignating paragraphs (6), (7), and (8) (and references thereto) as paragraphs (5), (6), and (7).

81 Stat. 698.
42 USC 2809.

(c) (1) On July 1, 1969, all functions, powers, and duties of the Director of the Office of Economic Opportunity with respect to Upward Bound programs, are transferred to the Commissioner of Education. No provision of law which limits the number of persons who may be appointed as full-time civilian employees, or temporary and part-time employees, in the executive branch of the Government shall apply to employees of the Office of Education whose duties the Director of the Bureau of the Budget determines primarily relate (A) to programs carried out under section 408(b) (2) of the Higher Education Act of 1965, or (B) to functions transferred by this paragraph. In applying any such provision of law to the departments and agencies in the executive branch, the number of such employees of the Office of Education shall not be taken into account.

Ante, p. 1018.

(2) For purposes of this subsection the term “Upward Bound program” means a program carried out under section 222(a) (5) of the Economic Opportunity Act of 1964 (as so designated prior to the amendment made by subsection (b) of this section) or a comparable program carried out under section 221 of such Act.

“Upward Bound
program.”

42 USC 2808.

PART B—AMENDMENTS TO INSURED STUDENT LOAN PROGRAM

EXTENSION OF AUTHORITY FOR PAYMENTS TO REDUCE STUDENT INTEREST COSTS; ELIMINATION OF AUTHORITY TO MAKE SUCH PAYMENTS DURING REPAYMENT PERIOD

79 Stat. 1240;
Ante, p. 634.
20 USC 1078.

SEC. 111. (a) Section 428(a)(4) of the Higher Education Act of 1965 is amended by striking out "October 31, 1968" and inserting in lieu thereof "June 30, 1971, except that, in the case of a loan made or insured under a student loan or loan insurance program to enable a student who has obtained a prior loan made or insured under such program to continue his educational program, such period shall end at the close of June 30, 1975".

(b)(1)(A) The portion of the first sentence of section 428(a)(1) which follows subparagraph (C) is amended by striking out ", over the period of the loan,".

(B) The first sentence of section 428(a)(2) of such Act is amended by striking out ", and 3 per centum per annum of the principal amount of the loan (excluding interest which has been added to principal) thereafter".

Effective date.

(2) The amendments made by this subsection shall apply to loans made on or after the sixtieth day after the date of enactment of this Act, except that such amendments shall not apply so as to require violation of any commitment for insurance made to an eligible lender, or of any line of credit granted to a student, prior to such sixtieth day. An application for a certificate of insurance or of comprehensive insurance coverage pursuant to section 429 of such Act shall be issued or shall be effective on or after such sixtieth day with respect to loans made prior to such sixtieth day without regard to such amendments.

20 USC 1079.

EXTENSION OF FEDERAL LOAN INSURANCE PROGRAM AND OF AUTHORITY TO GUARANTEE OUTSTANDING NON-FEDERALLY INSURED LOANS

Ante, p. 634.

SEC. 112. (a) Subsection (a) of section 424 of the Higher Education Act of 1965 is amended (1) in the first sentence by striking out "period thereafter ending October 31, 1968" and inserting in lieu thereof "fiscal year ending June 30, 1968, and each of the three succeeding fiscal years"; and (2) in the second sentence by striking out "October 31, 1968" and inserting in lieu thereof "June 30, 1975".

Ante, p. 637.

(b) Section 428(c)(5) of such Act is amended by striking out "October 31, 1968" and inserting in lieu thereof "September 1, 1969".

REPAYMENT BY COMMISSIONER OF LOANS OF DECEASED OR DISABLED BORROWERS

20 USC 1071-1086.

SEC. 113. (a) Part B of title IV of such Act is amended by inserting at the end thereof the following new section:

"REPAYMENT BY COMMISSIONER OF LOANS OF DECEASED OR DISABLED BORROWERS

20 USC 1078.

"SEC. 437. If a student borrower who has received a loan with respect to which a portion of the interest (1) is payable by the Commissioner under section 428(a), or (2) would be payable but for the adjusted family income of the borrower, dies or becomes permanently and totally disabled (as determined in accordance with regulations of the Commissioner), then the Commissioner shall discharge the borrower's liability on the loan by repaying the amount owed on the loan."

(b) (1) Section 421(b) (2) of the Higher Education Act of 1965 is amended by inserting after "on student loans" the following: "and for payments under section 437".

79 Stat. 1236.
20 USC 1071.
Ante, p. 1020.
20 USC 1077.

(2) Section 427(a) (2) (E) of such Act is amended by inserting after the comma at the end thereof the following: "and that the lender will enter into such agreements with the Commissioner as may be necessary for the purpose of section 437,".

(3) Section 428(b) (2) (B) of such Act is amended by inserting after "of this part" the following: "including such provisions as may be necessary for the purpose of section 437,".

20 USC 1078.

(4) Section 428(c) of such Act is amended by striking out in paragraph (1) "death, or permanent and total disability", by striking the last sentence of paragraph (3), and by amending paragraph (4) to read as follows:

Ante, p. 636.

"(4) For purposes of this subsection, the terms 'insurance beneficiary' and 'default' shall have the meanings assigned to them by section 430(e)."

20 USC 1080.

(5) Section 430 of such Act is amended—

(A) by striking out in the section heading, "DEATH, OR DISABILITY";

(B) by striking out in the first sentence of subsection (a) "or upon the death of the student borrower or a finding by the insurance beneficiary that the borrower has become totally and permanently disabled (as determined in accordance with regulations established by the Commissioner) before the loan has been repaid in full"; and

(C) by striking out in subsection (c) all that follows "payment on that insurance" and inserting in lieu thereof a period.

(c) The amendments made by this section shall apply only with respect to loans made on or after the sixtieth day following the date of enactment of this Act.

Effective date.

FEDERAL ADVANCES TO RESERVE FUNDS OF NON-FEDERAL STUDENT LOAN INSURANCE PROGRAMS

SEC. 114. (a) (1) Section 421(b) of the Higher Education Act of 1965 is amended by striking out "and" at the end of paragraph (2); by striking out the period at the end of the first sentence of that subsection and inserting in lieu thereof "and"; and by adding thereafter the following new paragraph:

"(4) there is authorized to be appropriated the sum of \$12,500,000 for making advances after June 30, 1968, pursuant to section 422 for the reserve funds of State and nonprofit private student loan insurance programs."

20 USC 1072.

(2) The second sentence of section 421(b) of such Act is amended by striking out "under clauses (1) and (2)" and inserting in lieu thereof "under clauses (1), (2), and (4)".

(b) Section 422(a) of such Act is amended—

(1) by striking out "clause (3)" in the first sentence of paragraph (1) and inserting in lieu thereof "clauses (3) and (4)", and by striking out "of the fiscal years ending June 30, 1966, June 30, 1967, or June 30, 1968," and inserting in lieu thereof "fiscal year" in the second sentence of such paragraph; and

(2) by redesignating paragraph (2) as paragraph (3) and inserting after paragraph (1) the following new paragraph:

"(2) No advance shall be made after June 30, 1968, unless matched by an equal amount from non-Federal sources. Such equal amount may include the unencumbered non-Federal portion of a reserve fund. As used in the preceding sentence, the term 'unencumbered non-Federal portion' means the amount (determined as of the time immediately pre-

"Unencumbered non-Federal portion."

ceding the making of the advance) of the reserve fund less the greater of (A) the sum of (i) advances made under this section prior to July 1, 1968, (ii) an amount equal to twice the amount of advances made under this section after June 30, 1968, and before the advance for purposes of which the determination is made, and (iii) the proceeds of earnings on advances made under this section, or (B) any amount which is required to be maintained in such fund pursuant to State law or regulation, or by agreement with lenders, as a reserve against the insurance of outstanding loans."

79 Stat. 1237.
20 USC 1072.

(c) Section 422(b) of such Act is amended by inserting "(1)" after "(b)", by inserting "prior to July 1, 1968" before "pursuant to subsection (a)" where it appears in the first and third sentences, by deleting the last sentence of such subsection, and by adding at the end of such subsection the following new paragraphs:

Ante, p. 1021.

"(2) The total of the advances from the sums appropriated pursuant to clause (4) of section 421(b) (A) to nonprofit private institutions and organizations for the benefit of students in any State and (B) to such State may not exceed an amount which bears the same ratio to such sums as the population of such State aged eighteen to twenty-two, inclusive, bears to the population of all the States aged eighteen to twenty-two, inclusive, but such advances may otherwise be in such amounts as the Commissioner determines will best achieve the purposes for which they are made. The amount available, however, for advances to any State shall not be less than \$25,000, and any additional funds needed to meet this requirement shall be derived by proportionately reducing (but not below \$25,000) the amount available for advances to each of the remaining States.

"(3) For the purposes of this subsection, the population aged eighteen to twenty-two, inclusive, of each State and of all the States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him."

AMENDMENTS RELATING TO ADMINISTRATIVE COST ALLOWANCE AND INTEREST RATE PROVISIONS

Ante, p. 635.

SEC. 115. (a) (1) Section 428(a) (2) (B) of the Higher Education Act of 1965 is amended to read as follows:

Infra.

"(B) If (i) a State student loan insurance program is covered by an agreement under subsection (b), (ii) a statute of such State limits the interest rate on loans insured by such program to a rate which is less than 7 per centum per annum on the unpaid principal balance, and (iii) the Commissioner determines that section 428(d) does not make such statutory limitation inapplicable and that such statutory limitation threatens to impede the carrying out of the purposes of this part, then he may pay an administrative cost allowance to the holder of each loan which is insured under such program and which is made during the period beginning on the sixtieth day after the date of enactment of the Higher Education Amendments of 1968 and ending 120 days after the adjournment of such State's first regular legislative session which adjourns after January 1, 1969. Such administrative cost allowance shall be paid over the term of the loan in an amount per annum (determined by the Commissioner) which shall not exceed 1 per centum of the unpaid principal balance of the loan."

(2) Section 428(a) (2) (A) of such Act is amended by striking out the second sentence and by inserting in the last sentence after "portion of the interest" the following: "and administrative cost allowance".

Ante, p. 636.

(3) Section 428 of such Act is amended by adding at the end thereof the following new subsection:

20 USC 1077.

"(d) No provision of any law of the United States (other than sections 427(a) (2) (D) and 427(b) of this Act) or of any State (other

than a statute applicable principally to such State's student loan insurance program) which limits the rate or amount of interest payable on loans shall apply to a loan—

“(1) which bears interest (exclusive of any premium for insurance) on the unpaid principal balance at a rate not in excess of 7 per centum per annum, and

“(2) which is insured (A) by the United States under this part, or (B) by a State or nonprofit private institution or organization under a program covered by an agreement made pursuant to subsection (b) of this section.”

(4) The amendments made by this subsection shall not apply with respect to loans made prior to the sixtieth day after the date of enactment of this Act.

Effective date.

(b) Section 428(a)(2)(B) of such Act (as in effect prior to the amendment made by subsection (a)) is amended by striking out “October 31, 1968” and inserting in lieu thereof “the fifty-ninth day after the date of enactment of the Higher Education Amendments of 1968”.

Ante, pp. 635, 1022.

(c) The amendments made by section 2(a) of Public Law 90-460, approved August 3, 1968, shall not be effective with respect to (1) any loan made or contracted for prior to the date of enactment of such Public Law, or (2) any loan made, after the date of enactment of this Act, in whole or in part to consolidate or convert a loan made or contracted for prior to the date of enactment of such Public Law.

Ante, p. 635.

MERGER OF NATIONAL VOCATIONAL STUDENT LOAN INSURANCE ACT OF 1965 WITH STUDENT LOAN INSURANCE PROGRAM OF HIGHER EDUCATION ACT OF 1965

SEC. 116. (a) Section 435 of the Higher Education Act of 1965 is amended—

79 Stat. 1247.
20 USC 1085.

(1) by redesignating subsections (a), (b), (c), (d), (e), and (f) as (b), (d), (e), (f), (g), and (h), respectively;

(2) by inserting before subsection (b) as so redesignated the following new subsection:

“(a) The term ‘eligible institution’ means (1) an institution of higher education, (2) a vocational school, or (3) with respect to students who are nationals of the United States, an institution outside the States which is comparable to an institution of higher education or to a vocational school and which has been approved by the Commissioner for purposes of this part.”;

“Eligible institution.”

(3) by striking out in subsection (b) (as so redesignated) “eligible institution” and inserting in lieu thereof “institution of higher education”, by striking out in the second sentence of such subsection “any institution outside the States which is comparable to an institution described in the preceding sentence and which has been approved by the Commissioner for the purposes of this title, and also includes”; and

“Institution of higher education.”

(4) by inserting after subsection (b) (as so redesignated) the text of subsection (a) of section 17 of the National Vocational Student Loan Insurance Act of 1965 amended as follows:

“Vocational school.”

(A) Strike out “(a)” and insert in lieu thereof “(c)”,

79 Stat. 1048.
20 USC 996.

(B) Strike out “eligible institution” and insert in lieu thereof “vocational school”, and

(C) Strike out “Act” in clause (4)(C) and insert in lieu thereof “part”.

(b)(1) Section 425(a) of such Act is amended by striking out “(1)” after “SEC. 425. (a)” and by striking out paragraph (2).

79 Stat. 1238.
20 USC 1075.

(2) Section 427(a)(2)(C)(i) of such Act is amended by striking out “institution of higher education or at a comparable institution out-

20 USC 1077.

side the States approved for this purpose by the Commissioner" and inserting in lieu thereof "eligible institution".

Repeal.

20 USC 1078.

79 Stat. 1247.

20 USC 1084.

80 Stat. 1244.

20 USC 1086.

Repeal.

79 Stat. 1037.

20 USC 981

note.

20 USC 992.

79 Stat. 1245.

20 USC 1081.

20 USC 1083.

(3) Section 428(a)(6) of such Act is repealed.

(4) Section 434 of such Act is amended by striking out "10 per centum" and inserting in lieu thereof "15 per centum".

(5) Section 436(a) of such Act is amended by striking out "title and the National Vocational Student Loan Insurance Act of 1965" and inserting in lieu thereof "part".

(c)(1) The National Vocational Student Loan Insurance Act of 1965 is repealed.

(2) All assets and liabilities of the vocational student loan insurance fund established by section 13 of the National Vocational Student Loan Insurance Act of 1965, matured or contingent, shall be transferred to, and become assets and liabilities of, the student loan insurance fund established by section 431 of the Higher Education Act of 1965. Payments in connection with defaults of loans made on or after the sixtieth day after the date of enactment of this Act and insured by the Commissioner (under the authority of subsection (e)(3) or (e)(4) of this section) under the National Vocational Student Loan Insurance Act of 1965 shall be paid out of the fund established by such section 431.

(d) Section 433 of the Higher Education Act of 1965 is amended to read as follows:

"DIRECT LOANS

"SEC. 433. (a) The Commissioner may make a direct loan to any student who would be eligible for an insured loan for study at a vocational school under this part if (1) in the particular area in which the student resides loans which are insurable under this Act are not available at the rate of interest prescribed by the Secretary pursuant to section 427(a)(2)(D) for such area, or (2) the particular student has been unable to obtain an insured loan at a rate of interest which does not exceed such rate prescribed by the Secretary.

"(b) Loans made under this section shall bear interest at the rate prescribed by the Secretary under section 427(a)(2)(D) for the area where the student resides, and shall be made on such other terms and conditions as the Commissioner shall prescribe, which shall conform as nearly as practicable to the terms and conditions of loans insured under this Act.

"(c) There is authorized to be appropriated the sum of \$1,000,000 for the fiscal year ending June 30, 1969 and for each of the two succeeding fiscal years to carry out this section."

(e)(1) Except as provided in paragraphs (2), (3), and (4):

(A) This section (and any amendment or repeal made thereby) shall apply to loans made on or after the sixtieth day after the date of enactment of this Act; and the terminal date applicable under the first sentence of section 5(a), under section 9(a)(2)(B), and under section 9(a)(4) of the National Vocational Student Loan Insurance Act shall, instead of October 31, 1968, be deemed to be (i) the day immediately preceding such sixtieth day, or (ii) with respect to any particular lender or State or nonprofit private agency to which paragraph (3) relates, the last day of the period required for modification or termination of, or refusal to extend, the Commissioner's agreements with such agency.

(B) In computing the maximum amounts which may be borrowed by a student who obtains an insured loan on or after such sixtieth day, and the minimum amounts of repayment allowable with respect to sums borrowed by such a student, there shall be included all loans, whenever made, (i) insured by the Commissioner, or a State, institution, or organization with which the

20 USC 1077.

Appropriation
authorization.

Effective date.

Ante, pp. 634,
635.

Commissioner has an agreement under section 428(b) of part B of title IV of the Higher Education Act of 1965 or section 9(b) of the National Vocational Student Loan Insurance Act of 1965, or (ii) made by a State under section 428(a)(2)(B) of such part or section 9(a)(2)(B) of such Act, or by the Commissioner under section 433 of such part.

20 USC 1078.
20 USC 988.
Ante, p. 1022.
Ante, p. 635.
Ante, p. 1024.]

(2) Clause (i) (attendance at eligible institution) and clause (iv) (VISTA service) of section 427(a)(2)(C) of the Higher Education Act of 1965, shall apply to loans made by the Commissioner and, with the consent of the lender, loans insured by the Commissioner, to students for study at vocational schools, which are outstanding on the sixtieth day after the enactment of this Act, but only with respect to periods of service or attendance occurring on or after such sixtieth day.

20 USC 1077.

(3) This section (and any amendment or repeal made thereby) shall not apply so as to require violation of any commitment for insurance made to an eligible lender, or of any line of credit granted to a student, prior to the sixtieth day after enactment of this Act, under the Higher Education Act of 1965 or the National Vocational Student Loan Insurance Act of 1965, or, except with the consent of the State or nonprofit private agency concerned, impair the obligation of any agreement made pursuant to section 428(b) of the Higher Education Act of 1965 or section 9(b) of the National Vocational Student Loan Insurance Act of 1965. The Commissioner of Education shall undertake to obtain necessary modifications of agreements entered into by him pursuant to section 428(b) of the Higher Education Act of 1965 or section 9(b) of the National Vocational Student Loan Insurance Act of 1965 and in force upon the date of enactment of this Act so as to conform the provisions of such agreements to the requirements of such section 428(b). If, however, such modifications cannot be obtained because a party to such an agreement is subject to a statute of a State that prevents such party from complying with the terms of such modification, the Commissioner shall not, before 120 days after the adjournment of such State's first regular legislative session which adjourns after January 1, 1969, exercise his authority to terminate, or to refuse to extend, such agreement.

20 USC 1001
note.
20 USC 981
note.

(4) A certificate of insurance or of comprehensive insurance coverage pursuant to section 11 of the National Vocational Student Loan Insurance Act of 1965 may be issued or made effective on or after the sixtieth day after the date of enactment of this Act with respect to loans made prior to such sixtieth day without regard to any amendment or repeal made by this section.

20 USC 990.

AUTHORIZING DEFERMENT OF REPAYMENT OF NON-FEDERALLY INSURED LOANS DURING MILITARY, VISTA, OR PEACE CORPS SERVICE, OR ATTENDANCE AT ELIGIBLE INSTITUTION; FEDERAL PAYMENT OF INTEREST ACCRUING DURING SUCH ATTENDANCE OR SERVICE

SEC. 117. (a)(1) Section 428 of the Higher Education Act of 1965 (as amended by this Act) is amended by adding at the end of such section the following new subsection:

Ante, p. 1022.

"(e) The Commissioner shall encourage the inclusion, in any State student loan program or any State or nonprofit private student loan insurance program meeting the requirements of subsection (a)(1)(B) or (a)(1)(C), of provisions authorizing or requiring that in the case of student loans covered by such program periodic installments of principal need not be paid, but interest shall accrue and be paid, during any period (1) during which the borrower is pursuing a full-time course of study at an eligible institution, (2) not in excess of three years during which the borrower is a member of the Armed Forces of

75 Stat. 612.
22 USC 2501
note.

81 Stat. 722.
42 USC 2991-
2994d.

the United States, (3) not in excess of three years during which the borrower is in service as a volunteer under the Peace Corps Act, or (4) not in excess of three years during which the borrower is in service as a full-time volunteer under title VIII of the Economic Opportunity Act of 1964. In the case of any such State or nonprofit private program containing such a provision any such period shall be excluded in determining the period specified in subsection (b) (1) (C) (ii), or the maximum period for repayment specified in subsection (b) (1) (D)."

20 USC 1078. (2) (A) Section 428 (b) (1) (C) (ii) of the Higher Education Act of 1965 is amended by inserting after "(ii)" the following: "except as provided in subsection (e) of this section,".

(B) Section 428 (b) (1) (D) of such Act is amended by inserting after "subject to subparagraph (C)" the following: "of this paragraph and except as provided by subsection (e) of this section".

20 USC 1077. (b) The first sentence of section 428 (a) (2) of such Act is amended by inserting before "; but such portion" the following: ", or which accrues during a period in which principal need not be paid (whether or not such principal is in fact paid) by reason of a provision described in subsection (e) of this section or in section 427 (a) (2) (C)".

(c) Section 427 (a) (2) (C) (iv) of such Act is amended by inserting "full-time" before "volunteer".

Effective date. (d) Deferment of repayment of principal, as provided in the amendments made by subsection (a) of this section, may be authorized (but not required) with respect to loans meeting the requirements of subparagraph (B) or (C) of section 428 (a) (1) of the Higher Education Act of 1965 which are outstanding on the sixtieth day after the date of enactment of this Act, but only with respect to periods of attendance or service occurring on or after such sixtieth day. The amendments made by subsection (b) shall become effective on the sixtieth day after the date of enactment of this Act.

PARTICIPATION BY PENSION FUNDS AND FEDERAL SAVINGS AND LOAN ASSOCIATIONS

20 USC 1085. SEC. 118. (a) Section 435 (g) of the Higher Education Act of 1965 (as so redesignated by section 116 of this Act) is amended by inserting before the period at the end thereof the following: ", or a pension fund approved by the Commissioner for this purpose".

12 USC 1464. (b) The third paragraph of section 5 (c) of the Home Owners' Loan Act of 1933 is amended by striking out "expenses of college or university education" and inserting in lieu thereof "expenses of college, university, or vocational education".

ACCESS TO FEDERAL LOAN INSURANCE PROGRAM

20 USC 1073. SEC. 119. (a) Section 423 of the Higher Education Act of 1965 is amended by striking out "The" after "SEC. 423." and inserting in lieu thereof "(a) Except as provided in subsection (b), the"; and by adding at the end thereof the following new subsection:

20 USC 1079. "(b) The Commissioner may issue certificates of insurance under section 429 to a lender in a State—

20 USC 1072. "(1) for insurance of a loan made to a student borrower who does not, by reason of his residence, have access to loan insurance under the loan insurance program of such State (or under any private nonprofit loan insurance program which has received an advance under section 422 for the benefit of students in such State), or

"(2) for insurance of all of the loans made to student borrowers by a lender who satisfies the Commissioner that, by reason of the residence of such borrowers, he will not have access to any single

State or nonprofit private loan insurance program which will insure substantially all of the loans he intends to make to such student borrowers."

(b) Section 421(a)(2) is amended by inserting "or lenders" before "who do not have reasonable access". 20 USC 1071.

COORDINATION BETWEEN NON-FEDERAL AND FEDERAL PROGRAMS WITH RESPECT TO MAXIMUM AMOUNTS OF INDIVIDUAL LOANS INSURED, ISSUANCE OF INSTALLMENT OBLIGATIONS, AND MINIMUM AMOUNTS OF REPAYMENT INSTALLMENTS ON SUCH LOANS

SEC. 120. (a)(1) Section 428(b)(1)(A) of the Higher Education Act of 1965 is amended by inserting the following before the semicolon at the end of such subparagraph: ", which limit shall not be deemed exceeded by a line of credit under which actual payments by the lender to the borrower will not be made in any such year in excess of such annual limit; and provides that the aggregate insured unpaid principal amount of all such insured loans made to any student shall not at any time exceed \$7,500". 20 USC 1078. Limitation.

(2) Section 425(a) of the Higher Education Act of 1965 is amended (A) by striking out "in the case of a graduate or professional student (as defined in regulations of the Commissioner), or \$1,000 in the case of any other student" in the first sentence, and (B) by striking out "in the case of any graduate or professional student (as defined in regulations of the Commissioner, and including any such insured loans made to such person before he became a graduate or professional student), or \$5,000 in the case of any other student" in the second sentence. 20 USC 1075.

(b) Section 428(b)(1)(D) of such Act is amended (1) by striking out "subparagraph (C)" and inserting in lieu thereof "subparagraphs (C) and (K)", and (2) by striking out ", where the total of the insured loans to any student which are held by any one person exceeds \$2,000, repayment of such", and inserting in lieu thereof "repayment of".

(c)(1) Section 428(b)(1) of the Higher Education Act of 1965 is amended (A) by striking out "and" at the end of subparagraph (I), (B) by striking out the period at the end of subparagraph (J) and inserting "; and" in lieu thereof, and (C) by adding after subparagraph (J) the following:

"(K) provides that the total of the payments by a borrower during any year of any repayment period with respect to the aggregate amount of all loans to that borrower which are (i) insured under this part, or (ii) made by a State or the Commissioner under section 428(a)(1)(B) or 433, respectively, shall not be less than \$360 or the balance of all such loans (together with interest thereon), whichever amount is less."

Ante, p. 1024.

(2) Section 427(c) of such Act is amended by striking out "by the Commissioner", and by inserting the following after "this part": ", or which are made by a State or the Commissioner under section 428(a)(1)(B) or 433, respectively,". 20 USC 1077.

(3) The caption of section 427 of such Act is amended by inserting "FEDERALLY INSURED" before "STUDENT LOANS".

(d)(1) Subject to paragraph (2) of this subsection, (A) the amendments made by this section shall apply to loans made on or after the sixtieth day after the date of enactment of this Act, and (B) in computing the maximum amounts which may be borrowed by a student who obtains an insured loan on or after such sixtieth day, and the minimum amounts of repayment allowable with respect to sums borrowed by such a student, there shall be included all loans, whenever made, (i) insured by the Commissioner, or a State, institution, or organization with which the Commissioner has an agreement under section 428(b) of part B of title IV of the Higher Education Act of 1965 or Effective date.

20 USC 988.
Ante, p. 1022.
Ante, p. 635.
Ante, p. 1024.

section 9(b) of the National Vocational Student Loan Insurance Act of 1965, or (ii) made by a State under section 428(a)(2)(B) of such part or section 9(a)(2)(B) of such Act, or by the Commissioner under section 433 of such part.

(2) This section (and the amendments made thereby) shall not apply so as to require violation of any commitment for insurance made to an eligible lender, or of any line of credit granted to a student, prior to such sixtieth day or, except with the consent of the State or non-profit private agency concerned, impair the obligation of any agreement made pursuant to section 428(b) of the Higher Education Act of 1965. The Commissioner of Education shall undertake to obtain necessary modifications of agreements entered into by him pursuant to section 428(b)(1) of the Higher Education Act of 1965 and in force upon the date of enactment of this Act so as to conform the provisions of such agreements to the requirements of such section 428(b)(1) as amended by this section. If, however, such modifications cannot be obtained because a party to such an agreement is subject to a statute of a State that prevents such party from complying with the terms of such modification, the Commissioner shall not, before 120 days after the adjournment of such State's first regular legislative session which adjourns after January 1, 1969, exercise his authority to terminate, or to refuse to extend, such agreement.

PART C—AMENDMENTS TO COLLEGE WORK-STUDY PROGRAM

TRANSFER OF WORK-STUDY PROVISIONS TO HIGHER EDUCATION ACT OF 1965

SEC. 131. (a) Title IV of the Higher Education Act of 1965 is amended by striking out part C thereof. Part C of title I of the Economic Opportunity Act of 1964 is transferred to the Higher Education Act of 1965 and inserted as part C of title IV of such Act.

(b) Part C of title IV of the Higher Education Act of 1965 (as amended by subsection (a) of this section) is further amended—

(1) by redesignating sections 141 through 145 (and references thereto) as sections 441 through 445, respectively; and

(2) by designating the section of such part which follows section 445 (as so redesignated) as section 446; and

(3) by amending section 442(a) to read as follows:

“SEC. 442. (a) From the sums appropriated to carry out this part for a fiscal year, the Commissioner shall allot not to exceed 2 per centum among Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands according to their respective needs for assistance under this part. The remainder of such sums shall be allotted among the States as provided in subsection (b).”

(c) Any reference to any provision of part C of title I of the Economic Opportunity Act of 1964 in any law of the United States shall be deemed to be a reference to the corresponding provision of part C of title IV of the Higher Education Act of 1965 as amended by this section.

EXTENSION OF WORK-STUDY PROGRAM

SEC. 132. Section 441 of the Higher Education Act of 1965 (as amended by section 131 of this Act) is amended by adding “; APPROPRIATIONS AUTHORIZED” at the end of the section heading, by inserting “(a)” after “SEC. 441.”, and by adding at the end of such section the following new subsection:

“(b) There are authorized to be appropriated \$225,000,000 for the fiscal year ending June 30, 1969, \$255,000,000 for the fiscal year ending June 30, 1970, and \$285,000,000 for the fiscal year ending June 30, 1971, to carry out this part.”

79 Stat. 1249.
 42 USC 2751-
 2757.
 78 Stat. 513;
 81 Stat. 726.
 42 USC 2751-
 2755.

42 USC 2756.

Appropriation
 authorization.

ELIGIBILITY OF AREA VOCATIONAL SCHOOLS

SEC. 133. (a) Part C of the Higher Education Act of 1965 (as amended by section 131 of this Act) is amended by striking out the terms "institution of higher education" and "institutions of higher education" wherever they appear (except in section 442(b)(1)) and inserting in lieu thereof "eligible institution" and "eligible institutions", respectively.

(b) Section 443(b) of such Act (as added by section 131 of this Act) is amended to read as follows:

"(b) For the purposes of this part the term 'eligible institution' means an institution of higher education (as defined in section 435(b) of this Act), or an area vocational school (as defined in section 8(2) of the Vocational Education Act of 1963)." "Eligible institution."

Ante, p. 1023.
20 USC 35g.

(c) Section 444 of such Act (as added by section 131 of this Act) is amended by inserting "(a)" after "Sec. 444."; by redesignating paragraphs (a) through (h) as paragraphs (1) through (8), respectively; by redesignating subparagraphs (1), (2), and (3) of paragraphs (1) and (3) (as so redesignated) as subparagraphs (A), (B), and (C), respectively; and by adding at the end of such section the following new subsection:

"(b) An agreement entered into pursuant to section 443 with an area vocational school shall contain, in addition to the provisions described in subsection (a) of this section, a provision that a student in such a school shall be eligible to participate in a program under this part only if he (1) has a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate, and (2) is pursuing a program of education or training which requires at least six months to complete and is designed to prepare the student for gainful employment in a recognized occupation."

REVISION OF MATCHING PROVISIONS

SEC. 134. Section 444(a)(6) of the Higher Education Act of 1965 (as amended by this part) is amended to read as follows:

"(6) provide that the Federal share of the compensation of students employed in the work-study program in accordance with the agreement will not exceed 80 per centum of such compensation; except that the Federal share may exceed 80 per centum of such compensation if the Commissioner determines, pursuant to regulations adopted and promulgated by him establishing objective criteria for such determinations, that a Federal share in excess of 80 per centum is required in furtherance of the purposes of this part;"

SET-ASIDE FOR RESIDENTS OF AMERICAN SAMOA OR THE TRUST TERRITORY OF THE PACIFIC ISLANDS

SEC. 135. (a) The first sentence of section 442(a) of the Higher Education Act of 1965 (as amended by this part) is amended by inserting "(1)" before "allot not to exceed 2 per centum", and by inserting before the period at the end thereof the following: ", and (2) reserve the amount provided by subsection (e)".

Ante, p. 1028.

(b) Such section 442 is further amended by adding at the end thereof the following new subsection:

"(e) From the appropriation for this part for each fiscal year the Commissioner shall reserve an amount to provide work-study assistance to students who reside in, but who attend eligible institutions outside of, American Samoa or the Trust Territory of the Pacific

Islands. The amount so reserved shall be allotted to eligible institutions and shall be available only for the purpose of providing work-study assistance to such students."

ELIMINATION OF AVERAGE HOURS OF EMPLOYMENT LIMITATION DURING NON-REGULAR ENROLLMENT PERIODS

Ante, p. 1029.

SEC. 136. Section 444 of the Higher Education Act of 1965 (as amended by this part) is amended by adding at the end thereof the following new subsection:

"(c) For purposes of paragraph (4) of subsection (a) of this section, in computing average hours of employment of a student over a semester or other term, there shall be excluded any period during which the student is on vacation and any period of non-regular enrollment. Employment under a work-study program during any such period of non-regular enrollment during which classes in which the student is enrolled are in session shall be only to the extent and in accordance with criteria established by or pursuant to regulations of the Commissioner."

REVISION OF MAINTENANCE OF EFFORT REQUIREMENT

SEC. 137. Effective for fiscal years ending on or after June 30, 1970, section 444(a)(5) of the Higher Education Act of 1965 (as amended by this part) is amended to read as follows:

Post, p. 1033.

"(5) provide that the institution will meet the requirements of section 464 of this Act (relating to maintenance of effort);"

ADMINISTRATIVE EXPENSES

SEC. 138. Effective for fiscal years ending on or after June 30, 1970, section 444(a)(2) of the Higher Education Act of 1965 (as amended by this part) is amended by striking out all that follows "administrative expenses" and inserting in lieu thereof "in accordance with section 463 of this Act;"

ELIGIBILITY OF PROPRIETARY INSTITUTIONS OF HIGHER EDUCATION

SEC. 139. Effective for fiscal years ending on or after June 30, 1970—

Ante, p. 1029.

(1) Section 443(b) of the Higher Education Act of 1965 (as amended by this part) is amended by striking out "or" before "an area vocational school", and by inserting before the period at the end thereof the following: "or a proprietary institution of higher education (as defined in section 461(b) of this Act)".

Post, p. 1032.

(2) Section 444(a)(1) of such Act (as amended by this part) is amended by inserting after "work for the institution itself" the following: "(except in the case of a proprietary institution of higher education),".

PART D—COOPERATIVE EDUCATION PROGRAMS

GRANTS TO INSTITUTIONS OF HIGHER EDUCATION FOR PROGRAMS OF COOPERATIVE EDUCATION; GRANTS AND CONTRACTS FOR TRAINING AND RESEARCH IN COOPERATIVE EDUCATION

SEC. 141. Title IV of the Higher Education Act of 1965 is amended by redesignating part D as part F, by redesignating sections 461 through 467 as sections 491 through 497, respectively, and by inserting after part C the following new part:

"PART D—COOPERATIVE EDUCATION PROGRAMS

"APPROPRIATIONS AUTHORIZED

"SEC. 451. (a) There are authorized to be appropriated \$340,000 for the fiscal year ending June 30, 1969, \$8,000,000 for the fiscal year ending June 30, 1970, and \$10,000,000 for the fiscal year ending June 30, 1971, to enable the Commissioner to make grants pursuant to section 452 to institutions of higher education for the planning, establishment, expansion, or carrying out by such institutions of programs of cooperative education that alternate periods of full-time academic study with periods of full-time public or private employment that will not only afford students the opportunity to earn through employment funds required toward continuing and completing their education but will, so far as practicable, give them work experience related to their academic or occupational objective. Such amount for the fiscal year ending June 30, 1969, shall also be available for planning and related activities for the purpose of this title.

"(b) There are further authorized to be appropriated \$750,000 for the fiscal year ending June 30, 1969, and for each of the two succeeding fiscal years, to enable the Commissioner to make training or research grants or contracts pursuant to section 453.

"(c) Appropriations under this part shall not be available for the payment of compensation of students for employment by employers under arrangements pursuant to this part.

"GRANTS FOR PROGRAMS OF COOPERATIVE EDUCATION

"SEC. 452. (a) From the sums appropriated pursuant to subsection (a) of section 451, and for the purposes set forth therein, the Commissioner is authorized to make grants to institutions of higher education that have applied therefor in accordance with subsection (b) of this section, in amounts not in excess of \$75,000 to any one such institution for any fiscal year.

"(b) Each application for a grant authorized by subsection (a) of this section shall be filed with the Commissioner at such time or times as he may prescribe and shall—

"(1) set forth programs or activities for which a grant is authorized under this section;

"(2) provide that the applicant will expend during such fiscal year for the purpose of such program or activity not less than was expended for such purpose during the previous fiscal year;

"(3) provide for the making of such reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this part, and for the keeping of such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports;

"(4) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the applicant under this part; and

"(5) include such other information as the Commissioner may determine necessary to carry out the purposes of this part.

"(c) No institution of higher education may receive grants under this section for more than three fiscal years.

"(d) In the development of criteria for approval of applications under this section, the Commissioner shall consult with the Advisory Council on Financial Aid to Students.

Recordkeeping.

“GRANTS AND CONTRACTS FOR TRAINING AND RESEARCH

“SEC. 453. From the sums appropriated pursuant to subsection (b) of section 451, the Commissioner is authorized, for the training of persons in the planning, establishments, administration, or coordination of programs of cooperative education, or for research into methods of improving, developing, or promoting the use of cooperative education programs in institutions of higher education, to—

“(1) make grants to or contracts with institutions of higher education, or combinations of such institutions, and

“(2) make grants to other public or private nonprofit agencies or organizations, or contracts with public or private agencies or organizations, when such grants or contracts will make an especially significant contribution to attaining the objectives of this section.”

PART E—GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE

AMENDMENTS EFFECTIVE UPON ENACTMENT

Ante, p. 1030.

SEC. 151. Title IV of the Higher Education Act of 1965 is amended by inserting after part D the following new part:

“PART E—GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE
PROGRAMS

“SUBPART 1—GENERAL PROVISIONS

“DEFINITIONS

“SEC. 461. (a) For purposes of this title, the term ‘State’ includes the Trust Territory of the Pacific Islands.

Ante, p. 1028.
20 USC 421-429.

“(b) For purposes of part C of this title and title II of the National Defense Education Act of 1958, the term ‘proprietary institution of higher education’ means a school (1) which provides not less than a six-month program of training to prepare students for gainful employment in a recognized occupation, (2) which meets the requirements of section 801(a)(1) and 801(a)(2) of this Act, (3) which does not meet the requirement of section 801(a)(4) of this Act, (4) which is accredited by a nationally recognized accrediting agency or association approved by the Commissioner for this purpose, and (5) which has been in existence for at least two years. For purposes of this paragraph, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

20 USC 1141.

“ELIGIBILITY OF RESIDENTS OF TRUST TERRITORY OF PACIFIC ISLANDS

“SEC. 462. Permanent residents of the Trust Territory of the Pacific Islands shall be eligible for assistance under title II of the National Defense Education Act of 1958 and under this title to the same extent that citizens of the United States are eligible for such assistance.

“SUBPART 2—ADVISORY COUNCIL ON FINANCIAL AID TO STUDENTS

“ESTABLISHMENT OF COUNCIL

“SEC. 469. (a) There is established in the Office of Education an Advisory Council on Financial Aid to Students (hereafter in this section referred to as the ‘Council’), consisting of the Commissioner, who shall be Chairman, and of members appointed by the Commissioner

without regard to the civil service or classification laws. Such appointed members shall include (1) leading authorities in the field of education, (2) persons representing State and private nonprofit loan insurance programs, financial and credit institutions, and institutions of higher education and other eligible institutions as those terms may be variously defined in this Act or in the National Defense Education Act of 1958, and (3) at least one undergraduate student in an institution of higher education or other eligible institution.

20 USC 401
note.

“(b) The Council shall advise the Commissioner on matters of general policy arising in the administration by the Commissioner of programs relating to financial assistance to students and on evaluation of the effectiveness of these programs.

“(c) Members of the Council who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the Council or otherwise engaged in the business of the Council, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding the rate specified at the time of such service for grade GS-18 in section 5332 of title 5, United States Code, including traveltime, and while so serving on the business of the Council away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government Service.

Compensation,
travel expenses.

5 USC 5332
note.

80 Stat. 499.

“(d) The Commissioner is authorized to furnish to the Council such technical assistance, and to make available to it such secretarial, clerical, and other assistance and such pertinent data available to him, as the Council may require to carry out its functions.”

AMENDMENTS EFFECTIVE FOR FISCAL YEAR 1970 AND THEREAFTER

SEC. 152. Effective for fiscal years ending on or after June 30, 1970, part E of title IV of the Higher Education Act of 1965 (as added by section 151 of this Act) is amended by inserting after section 462 the following new sections:

“EXPENSES OF ADMINISTRATION

“SEC. 463. (a) An institution which has entered into an agreement with the Commissioner under part A or C of this title shall be entitled for each fiscal year for which it receives an allotment under either such part to a payment in lieu of reimbursement for its expenses during such fiscal year in administering programs assisted under such part. The payment for a fiscal year (1) shall be payable from each such allotment in accordance with regulations of the Commissioner, and (2) shall (except as provided in subsection (b)) be an amount equal to 3 per centum of (A) the institution's expenditures during the fiscal year from its allotment under part A plus (B) its expenditures during such fiscal year under part C for compensation of students.

20 USC 1061;
Ante, p. 1028.

“(b) The aggregate amount paid to an institution for a fiscal year under this section plus the amount withdrawn from its student loan fund under section 204(b) of the National Defense Education Act of 1958 may not exceed \$125,000.

Limitation.

Post, p. 1034.

“MAINTENANCE OF EFFORT

“SEC. 464. An agreement between the Commissioner and an institution under part A or part C shall provide assurance that the institution will continue to spend in its own scholarship and student-aid program, from sources other than funds received under such parts, not less than the average expenditure per year made for that purpose during the

most recent period of three fiscal years preceding the effective date of the agreement."

**PART F—AMENDMENTS TO NATIONAL DEFENSE STUDENT LOAN PROGRAM
(TITLE II OF NATIONAL DEFENSE EDUCATION ACT OF 1958)**

EXTENSION OF NATIONAL DEFENSE STUDENT LOAN PROGRAM

SEC. 171. (a) Section 201 of the National Defense Education Act of 1958 is amended—

80 Stat. 1245.
20 USC 421.

(1) by striking out "and" before "\$225,000,000";

(2) by inserting after "June 30, 1968," the following: "\$210,000,000 for the fiscal year ending June 30, 1969, \$275,000,000 for the fiscal year ending June 30, 1970, and \$300,000,000 for the fiscal year ending June 30, 1971,";

(3) by striking out "and such sums for the fiscal year ending June 30, 1969" and inserting in lieu thereof "and there are further authorized to be appropriated such sums for the fiscal year ending June 30, 1972"; and

(4) by striking out "July 1, 1968" and inserting in lieu thereof "July 1, 1971".

20 USC 422.

(b) Subsection 202 of such Act is amended by striking out "1968" in subsections (a) and (b) and inserting in lieu thereof "1971".

20 USC 426.

(c) Section 206 of such Act is amended by striking out "1972" each time it appears in subsections (a), (b), and (c) of such section, and inserting in lieu thereof "1975".

ADMINISTRATIVE EXPENSES

SEC. 172. Effective for fiscal years ending on or after June 30, 1970—

20 USC 424.

(1) Section 204 of the National Defense Education Act of 1958 is amended by inserting "(a)" after "SEC. 204.", and by striking out in paragraph (3) "(C) routine expenses" and all that follows down through "whichever is the lesser" and inserting in lieu thereof "(C) administrative expenses as provided in subsection (b)".

(2) Section 204 of such Act is amended by adding at the end thereof the following new subsection:

"(b) An institution of higher education that has entered into an agreement with the Commissioner under this section shall be entitled for each fiscal year during which it makes any student loans from a student loan fund established under this title to a payment in lieu of reimbursement for its expenses during such fiscal year in administering its student loan program assisted under this title. Such payment (1) shall be payable from its student loan fund in accordance with regulations of the Commissioner, and (2) (except as provided in section 463(b) of the Higher Education Act of 1965) shall be an amount equal to 3 per centum of the principal amount of loans made from such fund during a fiscal year."

Ante, p. 1033.

AMENDMENTS TO TEACHER CANCELLATION PROVISION

SEC. 173. (a) (1) Section 205(b) (3) of the National Defense Education Act of 1958 is amended by inserting after "50 per centum of any such loan" the following: "made prior to July 1, 1970".

20 USC 425.

(2) Clause (A) of such section is amended by inserting before "the Commissioner shall not make such determination" the following: "(unless all of the schools so determined are schools in which the enrollment of children described in clause (A), (B), or (C) of section 103(a) (2) of such Public Law (using a low-income factor of \$3,000) exceeds 50 per centum of the total enrollment of the school)".

20 USC 241c.

(b) The amendments made by subsection (a) (2) shall apply with respect to service performed during academic years ending after the date of the enactment of this Act, whether the loan was made before or after such Act.

Effective date.

ELIGIBILITY OF PROPRIETARY INSTITUTIONS OF HIGHER EDUCATION

SEC. 174. (a) Section 103(b) of the National Defense Education Act of 1958 is amended—

20 USC 403.

(1) by striking out “and also includes,” in the second sentence and inserting in lieu thereof “; any proprietary institution of higher education (as defined in section 461(b) of the Higher Education Act of 1965) which includes in its agreement under section 204 of such title such terms and conditions as the Commissioner determines to be necessary to insure that the availability of assistance to students at the school under such title has not, and will not, increase the tuition, fees, or other charges to such students; and”; and

Ante, p. 1032.

Ante, p. 1034.

(2) by inserting after “requirements of clause (5)” in the third sentence the following: “(but meets the requirements of clause (4))”.

(b) Effective with respect to fiscal years ending on or after June 30, 1969, section 203 of such Act is amended by adding at the end thereof the following new sentence: “The aggregate amount of Federal capital contributions paid for any fiscal year under this section to proprietary institutions of higher education (as defined in section 461(b) of the Higher Education Act of 1965) may not exceed the amount by which the funds appropriated pursuant to section 201 for such fiscal year exceed \$190,000,000.”

20 USC 423.

Ante, p. 1034.

ELIMINATION OF REQUIREMENT OF SPECIAL CONSIDERATION FOR STUDENTS OF SUPERIOR ACADEMIC BACKGROUND

SEC. 175. Section 204 of the National Defense Education Act of 1958 is amended by inserting “and” at the end of paragraph (3), by striking out paragraph (4), and by redesignating paragraph (5) as paragraph (4).

20 USC 424.

WAIVING OATH OF ALLEGIANCE REQUIREMENT FOR RESIDENTS OF TRUST TERRITORY OF PACIFIC ISLANDS

SEC. 176. Section 1001(f) (1) of the National Defense Education Act of 1958 is amended by inserting after “any individual” the following: “(other than a permanent resident of the Trust Territory of the Pacific Islands)”.

20 USC 581.

TITLE II—AMENDMENTS TO OTHER PROVISIONS OF HIGHER EDUCATION ACT OF 1965

PART A—AMENDMENTS TO COMMUNITY SERVICE PROGRAM PROVISIONS (TITLE I)

EXTENSION OF GRANT PROGRAM

SEC. 201. (a) The first sentence of section 101 of the Higher Education Act of 1965 is amended (1) by striking out “and” after “1966,” and (2) by inserting before the period at the end of such sentence the following: “, \$10,000,000 for the fiscal year ending June 30, 1969, \$50,000,000 for the fiscal year ending June 30, 1970, and \$60,000,000 for the fiscal year ending June 30, 1971”.

79 Stat. 1219.
20 USC 1001.

(b) Such section is amended by striking out the second sentence.

MODIFICATION OF REQUIREMENT FOR COMPREHENSIVE, COORDINATED, AND
STATEWIDE SYSTEM OF COMMUNITY SERVICE PROGRAMS

20 USC 1005. SEC. 202. Section 105(a) (2) of the Higher Education Act of 1965 is amended by inserting before the semicolon at the end thereof the following: "(except that if a comprehensive, coordinated, and statewide system of community service programs cannot be effectively carried out by reason of insufficient funds, the plan may set forth one or more proposals for community service programs in lieu of a comprehensive, coordinated, and statewide system of such programs)".

MODIFICATION OF FEDERAL SHARE PROVISION

20 USC 1006. SEC. 203. (a) Section 106(a) of the Higher Education Act of 1965 is amended by striking out "and 50 per centum of such costs for each of the three succeeding fiscal years" and inserting in lieu thereof "50 per centum of such costs for the fiscal year ending June 30, 1968, and 66 $\frac{2}{3}$ per centum of such costs for fiscal years ending on or after June 30, 1969".

Effective date. (b) The amendment made by subsection (a) of this section shall be effective with respect to grants awarded after the enactment of this Act.

PART B—AMENDMENTS TO COLLEGE LIBRARY ASSISTANCE AND
LIBRARY TRAINING AND RESEARCH PROGRAMS (TITLE II)

EXTENSION OF COLLEGE LIBRARY ASSISTANCE PROGRAM (PART A)

20 USC 1021. SEC. 211. Section 201 of the Higher Education Act of 1965 is amended (1) by inserting after "two succeeding fiscal years," the following: "\$25,000,000 for the fiscal year ending June 30, 1969, \$75,000,000 for the fiscal year ending June 30, 1970, and \$90,000,000 for the fiscal year ending June 30, 1971," and (2) by striking out the second sentence.

ELIGIBILITY OF BRANCH INSTITUTIONS FOR SUPPLEMENTAL AND
SPECIAL PURPOSE GRANTS

20 USC 1023. SEC. 212. (a) (1) The first sentence of section 203(a) of such Act is amended by inserting after "institutions of higher education" the following: "(and to each branch of such institution which is located in a community different from that in which its parent institution is located, as determined in accordance with regulations of the Commissioner)".

(2) The second sentence of such section is amended by inserting "(or branch)" after "institution".

20 USC 1024. (b) Section 204(a) (2) (A) of such Act is amended by inserting after "institutions of higher education" the following: "(or to branches of such institutions which are located in a community different from that in which the parent institution is located, as determined in accordance with regulations of the Commissioner)".

(c) Section 204(a) (2) (B) of such Act is amended by inserting after "institutions of higher education" the following: "(or to such branches)".

REVISION OF MAINTENANCE-OF-EFFORT REQUIREMENT FOR SPECIAL
PURPOSE GRANTS

SEC. 213. (a) Section 204(b) (2) of the Higher Education Act of 1965 is amended by inserting after "June 30, 1965" the following: "; or during the two fiscal years preceding the fiscal year for which the grant is requested, whichever is less".

(b) The amendment made by subsection (a) shall be effective with respect to applications for grants payable on or after the date of the enactment of this Act.

Effective date.

ELIGIBILITY OF NEW INSTITUTIONS FOR BASIC GRANTS

SEC. 214. (a) The first sentence of section 202 of the Higher Education Act of 1965 is amended (1) by striking out “and” and inserting in lieu thereof a comma, and (2) inserting after “such institutions” the following: “, and, in accordance with criteria prescribed by regulation, new institutions of higher education in the fiscal year preceding the first year in which students are to be enrolled”.

20 USC 1022.

(b) The amendments made by subsection (a) shall be effective with respect to appropriations for grants under title II of the Higher Education Act of 1965 for fiscal years beginning after June 30, 1969.

Effective date.

20 USC 1021-1041.

EXTENSION OF LIBRARY TRAINING AND RESEARCH PROGRAM (PART B)

SEC. 215. Section 221 of the Higher Education Act of 1965 is amended (1) by inserting after “two succeeding fiscal years,” the following: “\$11,800,000 for the fiscal year ending June 30, 1969, \$28,000,000 for the fiscal year ending June 30, 1970, and \$38,000,000 for the fiscal year ending June 30, 1971,” and (2) by striking out the second sentence.

20 USC 1031.

AMENDMENTS TO LIBRARIANSHIP TRAINING PROVISIONS

SEC. 216. The second sentence of section 223(a) of the Higher Education Act of 1965 is amended—

20 USC 1033.

(1) by striking out “to assist in covering the cost of courses of training or study for such persons, and” and inserting in lieu thereof “(1) to assist in covering the cost of courses of training or study (including short term or regular session institutes) for such persons, (2)”;

(2) by inserting before the period at the end thereof the following: “, and (3) for establishing, developing, or expanding programs of library and information science”.

EXTENSION OF LIBRARY OF CONGRESS PROGRAM (PART C)

SEC. 217. Section 231 of such Act is amended (1) by striking out “and” after “1967,” and by inserting after “1968,” the following: “\$6,000,000 for the fiscal year ending June 30, 1969, and \$11,100,000 each for the fiscal year ending June 30, 1970, and the succeeding fiscal year,” and (2) by striking out the second sentence.

20 USC 1041.

CLARIFYING AUTHORITY TO PURCHASE COPIES; INCREASING AUTHORITY TO PREPARE CATALOG AND BIBLIOGRAPHIC MATERIALS; AUTHORIZING LIBRARIAN TO ACT AS ACQUISITIONS AGENT

SEC. 218. Section 231 of the Higher Education Act of 1965, as amended by section 217 of this Act, is further amended—

(1) in paragraph (1), by inserting “copies of” before “all” and by striking out “and”;

(2) in paragraph (2), by striking out “for these materials promptly after receipt, and distributing bibliographic information” and inserting in lieu thereof “promptly and distributing this

and other bibliographic information about library materials”, and by striking out the period at the end thereof and inserting in lieu thereof “; and”; and

(3) by adding after paragraph (2) the following new paragraph:

“(3) enabling the Librarian of Congress to pay administrative costs of cooperative arrangements for acquiring library materials published outside of the States and not readily obtainable outside of the country of origin, for institutions of higher education or combinations thereof for library purposes, or for other public or private nonprofit research libraries.”

PART C—AMENDMENTS TO DEVELOPING INSTITUTIONS PROGRAM (TITLE III)

EXTENSION OF DEVELOPING INSTITUTIONS PROGRAM

20 USC 1051.

SEC. 221. Section 301(b) (1) of the Higher Education Act of 1965 is amended by striking out “and” after “1967,” and by inserting after “1968,” the following: “the sum of \$35,000,000 for the fiscal year ending June 30, 1969, the sum of \$70,000,000 for the fiscal year ending June 30, 1970, and the sum of \$91,000,000 for the fiscal year ending June 30, 1971,”.

INCREASED SHARE FOR JUNIOR COLLEGES

SEC. 222. Effective with respect to fiscal years beginning after June 30, 1968, section 301(b) (2) of the Higher Education Act of 1965 is amended by striking out “78 per centum” and inserting in lieu thereof “77 per centum”.

PROFESSORS EMERITUS

20 USC 1051-
1055.

SEC. 223. (a) Title III of the Higher Education Act of 1965 is amended by inserting immediately after section 305 the following new section:

“PROFESSORS EMERITUS

“SEC. 306. (a) The Commissioner is authorized to award grants under this section, from funds appropriated for the purpose of this title, to professors retired from active duty at institutions of higher education (other than developing institutions) to encourage such professors to teach and to conduct research at developing institutions. Such grants may be awarded by the Commissioner (1) only upon application made by an institution and approved for this purpose by the Commissioner and (2) only upon a finding by the Commissioner that the program of teaching or research set forth in the application is reasonable in the light of the qualifications of the professor emeritus and of the educational needs of the applicant.

“(b) The Commissioner shall undertake a program of dissemination of information concerning this section.

“(c) Grants may be awarded under this section for such period of teaching or research as the Commissioner may determine. The amount of each grant awarded under the provisions of this section for each academic year of teaching or research shall be determined by the Commissioner upon the advice of the Council.”

Effective date.

(b) The amendment made by this section shall be effective with respect to appropriations for fiscal years beginning after June 30, 1969.

PART D—AMENDMENTS TO EDUCATION PROFESSIONS DEVELOPMENT
PROGRAM (TITLE V)

EXTENSION OF PROGRAMS

SEC. 231. (a) Sections 504(b), 511(b), 518(b), 528, 532, and 543 of the Higher Education Act of 1965 are each amended by striking out “the fiscal year ending June 30, 1970” and inserting in lieu thereof the following: “each of the succeeding fiscal years ending prior to July 1, 1971”. 20 USC 1091c,
1101, 1108, 1118,
1119a, 1119b-2.

(b) (1) Such section 511(b) is further amended by striking out “June 30, 1971” and inserting in lieu thereof “June 30, 1972”.

(2) Such section 528 is further amended by striking out “July 1, 1970” and inserting in lieu thereof “July 1, 1971”, and by changing the comma before “and such sums” to a semicolon.

PROVISION OF MEDICAL INSURANCE COVERAGE TO TEACHER CORPS MEMBERS
NOT OTHERWISE COVERED

SEC. 232. Section 514 of the Higher Education Act of 1965 is amended by adding immediately following subsection (d) thereof the following new subsection: 20 USC 1104.

“(e) The Commissioner is authorized to provide medical (including hospitalization) insurance for members of the Teacher Corps who do not otherwise obtain such insurance coverage either under an arrangement made pursuant to subsection (d) of this section or as an incident of an arrangement between the Commissioner and an institution or a State or local educational agency pursuant to section 513.” 20 USC 1103.

AUTHORIZING STATE EDUCATIONAL AGENCIES TO ADMINISTER DIRECTLY
PROGRAMS OF TEACHER AND TEACHER AIDE RECRUITMENT AND TRAINING

SEC. 233. (a) Subsection (a) of section 518 of the Higher Education Act of 1965 is amended by inserting after “teacher shortages” the following: “, or the efforts of State educational agencies,”.

(b) Subsection (a) of section 520 of such Act is amended— 20 USC 1110.

(1) in paragraph (2), by inserting after “local educational agencies” the following: “or of the State educational agency, or both,”

(2) by striking out paragraphs (3) and (4) and inserting in lieu thereof the following:

“(3) with respect to so much of the State program as is to be carried out by local educational agencies, (A) provides assurance that every local educational agency whose application for funds under the plan is denied will be given an opportunity for a fair hearing before the State educational agency and (B) sets forth the policies and procedures to be followed in allocating Federal funds to local educational agencies in the State, which policies and procedures shall insure that such funds will be allocated to local educational agencies having the most urgent need for teachers and teacher aides;” and

(4) by redesignating paragraphs (5) through (10) as paragraphs (4) through (9), respectively.

MINIMUM ALLOTMENT FOR TITLE V-B, SUBPART 2

SEC. 234. (a) The second sentence of section 519(a) of the Higher Education Act of 1965 is amended to read as follows: “From the remainder of such sums, the Commissioner shall apportion \$100,000 to 20 USC 1109.

each State, and shall then apportion to each State such part of the amount remaining which bears the same ratio to the total of such amount as the number of children enrolled in the public and private elementary and secondary schools of that State bears to the total number of children so enrolled in such schools in all of the States.”.

Effective date.

(b) The amendment made by this section shall be effective with respect to appropriations for fiscal years beginning after June 30, 1968.

FELLOWSHIPS FOR SCHOOL ADMINISTRATORS

20 USC 1111.

SEC. 235. The third sentence of section 521 of the Higher Education Act of 1965 is amended by inserting after “become such teachers,” the following: “a career in the administration of such schools,”.

ALLOCATION OF FELLOWSHIPS UNDER TITLE V-C

20 USC 1113.

SEC. 236. Clause (1) of section 523 of the Higher Education Act of 1965 is amended (1) by inserting after “provide an equitable distribution of such fellowships throughout the States,” the following: “taking into account such factors as the number of children in each State who are aged three to seventeen and the undergraduate student enrollment in institutions of higher education in each State,” and, (2) by striking out “except that to the extent he deems proper in the national interest after consultation with the National Advisory Council on Education Professions Development, the Commissioner may give preference to programs designed to meet an urgent national need” and inserting in lieu thereof “except that to the extent that the National Advisory Council on Education Professions Development determines that an urgent need for a certain category of educational personnel is unlikely to be met without preference in favor of such category over other categories of educational personnel, the Commissioner may give preference to programs designed to meet that need, but in no case shall such preferred programs constitute more than 50 per centum of the total number of fellowships awarded in any fiscal year”.

TECHNICAL CORRECTIONS

20 USC 1114.

SEC. 237. Section 524(a) of the Higher Education Act of 1965 is amended by inserting in paragraphs (1) and (4) “or postsecondary vocational education” after “career in elementary and secondary education”.

INCREASE IN COST-OF-EDUCATION ALLOWANCE

20 USC 1115.

SEC. 238. Section 525(b) of the Higher Education Act of 1965 is amended to read as follows:

“(b) The Commissioner shall (in addition to stipends paid to persons under subsection (a)) pay to the institution of higher education at which such person is pursuing his course of study such amount as the Commissioner may determine to be consistent with prevailing practices under comparable federally supported programs, except that such amount shall not exceed \$3,500 per academic year for each such person.”

EQUITABLE DISTRIBUTION UNDER TITLE V-D

20 USC 1119-
1119a.

SEC. 239. The Higher Education Act of 1965 is amended by inserting at the end of part D the following new section:

“DISTRIBUTION OF TRAINING PROGRAMS

“SEC. 533. In making grants and contracts for programs and projects under this part, the Commissioner shall seek to achieve an equitable geographical distribution of training opportunities throughout the Nation, taking into account the number of children in each State who are aged three to seventeen.”

PART E—EQUIPMENT AND MATERIALS FOR HIGHER EDUCATION
(TITLE VI)

EXTENSION OF PROGRAM

SEC. 241. Section 601 of the Higher Education Act of 1965 is amended— 20 USC 1121.

(1) in subsection (b), by striking out “and” after “1967,” and by inserting after “1968,” the following: “\$13,000,000 for the fiscal year ending June 30, 1969, and \$60,000,000 for each of the two succeeding fiscal years,”;

(2) in subsection (c), by striking out “and” after “1966,” and by inserting after “for the succeeding fiscal year,” the following: “\$1,500,000 for the fiscal year ending June 30, 1969, and \$10,000,000 for each of the two succeeding fiscal years,”; and

(3) by striking out subsection (d).

ELIGIBILITY OF COMBINATIONS OF INSTITUTIONS

SEC. 242. (a) Sections 601(b), 601(c) and 605(a) of the Higher Education Act of 1965 are each amended to inserting after “institutions of higher education” the following: “and combinations of institutions of higher education”. 20 USC 1125.

(b) The second sentence of section 604(a) of such Act and the first sentence of section 604(b) are each amended by inserting after “institution” the following: “or combination of institutions of higher education”. 20 USC 1124.

(c) The third sentence of section 604(a) is amended by striking out “applicant institutions” and inserting in lieu thereof “applicants”.

(d) Section 604(b) of such Act is amended by inserting after the second sentence the following: “A combination of institutions of higher education shall be eligible for such a grant in accordance with regulations of the Commissioner prescribing requirements for maintenance of effort.”

(e) Section 605(b) (5) (C) of such Act is amended by striking out “institution” and inserting in lieu thereof “applicant”.

CONSULTATION

SEC. 243. Part A of title VI of the Higher Education Act of 1965 is amended by inserting at the end thereof the following: 20 USC 1121-1129.

“CONSULTATION

“SEC. 610. So as to promote the coordination of Federal programs providing assistance in the purchase of laboratory or other special equipment for education in the natural or physical sciences, the Commissioner shall consult with the National Science Foundation and other agencies in developing general policy, under this title, in respect thereof.”

PART F—NETWORKS FOR KNOWLEDGE

SHARING OF EDUCATIONAL AND RELATED RESOURCES AMONG COLLEGES
AND UNIVERSITIES20 USC 1141-
1144.

SEC. 251. The Higher Education Act of 1965 is amended by redesignating title VIII as title XII, and sections 801 through 804 (and references thereto however styled in such Act, or any other Act, including such references heretofore made in this Act) as sections 1201 through 1204, respectively. The Higher Education Act of 1965 is further amended by inserting after title VII the following new title:

“TITLE VIII—NETWORKS FOR KNOWLEDGE

“SHARING EDUCATIONAL AND RELATED RESOURCES

“SEC. 801. (a) To encourage colleges and universities to share to an optimal extent, through cooperative arrangements, their technical and other educational and administrative facilities and resources, and in order to test and demonstrate the effectiveness and efficiency of a variety of such arrangements the Commissioner is authorized to enter into contracts and to make project grants for all or part of the cost of planning, developing, or carrying out such arrangements. Such grants may be made to public or nonprofit private colleges or universities. When in the Commissioner’s judgment it will more effectively promote the purposes of this title, the Commissioner may make grants to other established public or nonprofit private agencies or organizations, including professional organizations or academic societies and he may enter into contracts with established private agencies and organizations.

“(b) Projects for the planning, development, or carrying out of such arrangements assisted under this title may, subject to the provisions of subsection (c), include—

“(1) (A) joint use of facilities such as classrooms, libraries, or laboratories, including joint use of necessary books, materials, and equipment; or (B) affording access to specialized library collections through preparation of interinstitutional catalogs and through development of systems and preparation of suitable media for electronic or other rapid transmission of materials;

“(2) establishment and joint operation of closed-circuit television or equivalent transmission facilities (such as the instructional television fixed services); and

“(3) establishment and joint operation of electronic computer networks and programs therefor, to be available to participating institutions for such purposes as financial and student records, student course work, or transmission of library materials.

“(c) (1) Grants pursuant to clause (B) of paragraph (1) of subsection (b) may not be used to pay the costs of electronic transmission terminals.

“(2) In the case of a project for the establishment and operation of a computer network, grants may not include—

“(A) the cost of operating administrative terminals or student terminals at participating institutions; or

“(B) the cost, or any participating institution’s pro rata share of the cost, of using the central computer facilities of the network, except (i) such costs of systems development and programing of computers and transmission costs as are necessary to make the network operational, (ii) the administrative and program support costs of the central facilities of the network, and (iii) the line-access costs incurred by participating institutions.

“APPROPRIATIONS AUTHORIZED

“SEC. 802. There are authorized to be appropriated for the purposes of this title (and planning and related activities in the initial fiscal year for such purpose), \$340,000 for the fiscal year ending June 30, 1969, \$4,000,000 for the fiscal year ending June 30, 1970, and \$15,000,000 for the fiscal year ending June 30, 1971.

“AUTHORITY FOR FREE OR REDUCED RATE COMMUNICATIONS
INTERCONNECTION SERVICES

“SEC. 803. Nothing in the Communications Act of 1934, as amended, or in any other provision of law shall be construed to prevent United States communications common carriers from rendering, subject to such rules and regulations as the Federal Communications Commission may prescribe, free or reduced rate communications interconnection services for interconnection systems within the purview of this title, whether or not included in a project for which a grant is made under this title.”

48 Stat. 1064.
47 USC 609 and
note.

PART G—EDUCATION FOR THE PUBLIC SERVICE

GRANTS, CONTRACTS, AND FELLOWSHIPS TO STRENGTHEN PROGRAMS OF
EDUCATION FOR THE PUBLIC SERVICE

SEC. 261. The Higher Education Act of 1965 is amended by inserting after title VIII the following new title:

Ante, p. 1042.

“TITLE IX—EDUCATION FOR THE PUBLIC SERVICE

“PURPOSE

“SEC. 901. It is the purpose of this title to establish a program of grants and fellowships to improve the education of students attending institutions of higher education in preparation for entrance into the service of State, local, or Federal governments, and to attract such students to the public service.

“PART A—GRANTS AND CONTRACTS TO STRENGTHEN AND IMPROVE
EDUCATION FOR THE PUBLIC SERVICE

“PROJECT GRANTS AND CONTRACTS

“SEC. 903. The Secretary is authorized to make grants to or contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects (i) for the preparation of graduate or professional students to enter the public service or (ii) for research into, or development or demonstration of, improved methods of education for the public service. Such grants or contracts may include payment of all or part of the cost of programs or projects such as—

“(1) planning for the development or expansion of graduate or professional programs to prepare students to enter the public service;

“(2) training and retraining of faculty members;

“(3) strengthening the public service aspects of courses or curriculums leading to a graduate or professional degree;

“(4) establishment, expansion, or operation of centers for study at the graduate or professional level (but not including payment for construction or acquisition of buildings);

“(5) conduct of short-term or regular session institutes for advanced study by persons engaged in, or preparing to engage in, the preparation of students to enter the public service;

“(6) carrying out innovative and experimental programs of cooperative education involving alternate periods of full-time or part-time academic study at the institution and periods of full-time or part-time public service; and

“(7) research into, and development of, methods of training students or faculty, including the preparation of teaching materials and the planning of curriculum.

“APPLICATION FOR GRANT OR CONTRACT; ALLOCATION OF GRANTS OR CONTRACTS

“SEC. 904. (a) A grant or contract authorized by this part may be made only upon application to the Secretary at such time or times and containing such information as he may prescribe, except that no such application shall be approved unless it—

“(1) sets forth programs, activities, research, or development for which a grant is authorized under this part, and describes the relation to any program set forth by the applicant in an application, if any, submitted pursuant to part B;

“(2) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and

“(3) provides for making such reports, in such form and containing such information, as the Secretary may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

“(b) The Secretary shall allocate grants or contracts under this part in such manner as will most nearly provide an equitable distribution of the grants or contracts throughout the United States among institutions of higher education which show promise of being able to use funds effectively for the purposes of this part.

“(c) (1) Payments under this section may be used, in accordance with regulations of the Secretary, and subject to the terms and conditions set forth in an application approved under subsection (a), to pay part of the compensation of students employed in public service, other than public service as an employee in any branch of the Government of the United States, as part of a program for which a grant has been approved pursuant to this section.

“(2) Departments and agencies of the United States are encouraged, to the extent consistent with efficient administration, to enter into arrangements with institutions of higher education for the full-time, part-time, or temporary employment, whether in the competitive or excepted service, of students enrolled in programs set forth in applications approved under subsection (a).

“PART B—PUBLIC SERVICE FELLOWSHIPS

“AWARD OF PUBLIC SERVICE FELLOWSHIPS

“SEC. 911. The Secretary is authorized to award fellowships in accordance with the provisions of this part for graduate or professional study for persons who plan to pursue a career in public service. Such fellowships shall be awarded for such periods as the Secretary may determine but not to exceed three academic years.

“ALLOCATION OF FELLOWSHIPS

“SEC. 912. The Secretary shall allocate fellowships under this part among institutions of higher education with programs approved under the provisions of this part for the use of individuals accepted into such programs, in such manner and according to such plan as will insofar as practicable—

“(1) provide an equitable distribution of such fellowships throughout the United States; and

“(2) attract recent college graduates to pursue a career in public service.

“APPROVAL OF PROGRAMS

“SEC. 913. The Secretary shall approve a graduate or professional program of an institution of higher education only upon application by the institution and only upon his findings—

“(1) that such program has as a principal or significant objective the education of persons for the public service, or the education of persons in a profession or vocation for whose practitioners there is a significant and continuing need in the public service as determined by the Secretary after such consultation with other agencies as may be appropriate;

“(2) that such program is in effect and of high quality, or can readily be put into effect and may reasonably be expected to be of high quality;

“(3) that the application describes the relation of such program to any program, activity, research, or development set forth by the applicant in an application, if any, submitted pursuant to part A; and

“(4) that the application contains satisfactory assurance that (A) the institution will recommend to the Secretary, for the award of fellowships under this part, for study in such program, only persons of superior promise who have demonstrated to the satisfaction of the institution a serious intent to enter the public service upon completing the program, and (B) the institution will make reasonable continuing efforts to encourage recipients of fellowships under this part, enrolled in such program, to enter the public service upon completing the program.

“STIPENDS

“SEC. 914. (a) The Secretary shall pay to persons awarded fellowships under this part such stipends (including such allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

“(b) The Secretary shall (in addition to the stipends paid to persons under subsection (a)) pay to the institution of higher education at which such person is pursuing his course of study such amount as the Commissioner may determine to be consistent with prevailing practices under comparable federally supported programs.

“FELLOWSHIP CONDITIONS

“SEC. 915. A person awarded a fellowship under the provisions of this part shall continue to receive the payments provided in this part only during such periods as the Secretary finds that he is maintaining satisfactory proficiency and devoting full time to study or research in the field in which such fellowship was awarded in an institution of

higher education, and is not engaging in gainful employment other than employment approved by the Secretary by or pursuant to regulation.

“PART C—GENERAL PROVISIONS

“DEFINITIONS

“SEC. 921. As used in this title—

“(a) The term ‘State’ includes the Canal Zone, and the Trust Territory of the Pacific Islands.

Ante, p. 1042.

“(b) The term ‘institution of higher education’ means an educational institution described in the first sentence of section 1201 (other than an institution of any agency of the United States) which is accredited by a nationally recognized accrediting agency or association approved by the Secretary for this purpose. For purposes of this subsection, the Secretary shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

“(c) The term ‘public service’ means service as an officer or employee in any branch of State, local, or Federal Government.

“(d) The term ‘academic year’ means an academic year or its equivalent, as determined by the Secretary.

“COORDINATION OF FEDERAL ASSISTANCE

“SEC. 922. In administering this title, the Secretary shall give primary emphasis to the assistance of programs and activities not otherwise assisted by the Department of Health, Education, and Welfare, or by other agencies of the Federal Government, so as to promote most effectively the objectives of this title.

“LIMITATION

“SEC. 923. No grant, contract, or fellowship shall be awarded under this title to, or for study at, a school or department of divinity. For the purposes of this section, the term ‘school or department of divinity’ means an institution or department or branch of an institution whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation or to prepare them to teach theological subjects.

“School or department of divinity.”

“REPORT

“SEC. 924. The Secretary shall include in his annual report to the Congress a report of activities of his Department under this title, including recommendations for needed revisions in the provisions thereof.

“AUTHORIZATION OF APPROPRIATIONS

“SEC. 925. There are authorized to be appropriated \$340,000 for the fiscal year ending June 30, 1969, \$5,000,000 for the fiscal year ending June 30, 1970, and \$13,000,000 for the fiscal year ending June 30, 1971, to carry out the purposes of this title (and planning and related activities in the initial fiscal year for such purpose). Funds appropriated for the fiscal year ending June 30, 1969, shall be available for obligation pursuant to the provisions of this title during that year and the succeeding fiscal year.”

PART H—IMPROVEMENT OF GRADUATE PROGRAMS

AUTHORIZATION

SEC. 271. The Higher Education Act of 1965 is amended by inserting after title IX the following new title:

Ante, p. 1043.

“TITLE X—IMPROVEMENT OF GRADUATE PROGRAMS

“STATEMENT OF PURPOSES

“SEC. 1001. The purposes of this title are to strengthen and improve the quality of graduate programs leading to a doctoral or professional (other than medical) degree, and to increase the number of such quality programs.

“APPROPRIATIONS AUTHORIZED; USE OF GRANTS

“SEC. 1002. (a) There are authorized to be appropriated \$340,000 for the fiscal year ending June 30, 1969, \$5,000,000, for the fiscal year ending June 30, 1970, and \$10,000,000 for the fiscal year ending June 30, 1971, to enable the Commissioner to make grants to institutions of higher education having programs leading to a degree of doctor of philosophy or comparable professional or other graduate degree, upon such terms and conditions as he may establish, to pay part of the cost of planning, developing, or carrying out projects or activities designed to achieve one or more of the purposes set forth in section 1001. Such amount for the fiscal year ending June 30, 1969, shall also be available for planning and related activities for the purpose of this title. Such grants may be used for experimental, innovative, or interdisciplinary projects or activities such as—

“(1) the strengthening of graduate faculties by enlarging their size, improving their academic or professional qualifications, or increasing the number of disciplines in which they are skilled;

“(2) the expansion or improvement of existing graduate programs, or the establishment of additional graduate programs;

“(3) the acquisition of appropriate equipment or curricular, research, or other materials required to fulfill the objectives of projects or activities described in clause (2);

“(4) the development or carrying out of cooperative arrangements among graduate schools in furtherance of the purposes of this title; or

“(5) the strengthening of graduate school administration.

“(b) No portion of the sums granted under this title may be used—

“(1) for payment in excess of 66⅔ per centum of the total cost of such project or activity;

“(2) for payment in excess of 50 per centum of the cost of the purchase or rental of books, audiovisual aids, scientific apparatus, or other materials or equipment, less any per centum of such cost, as determined by the Commissioner, that is paid from sums received (other than under this part) as Federal financial assistance; or

“(3) for sectarian instruction or religious worship, or primarily in connection with any part of the program of an institution, or department or branch of an institution, whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation or to prepare them to teach theological subjects.

"SELECTION OF GRANT RECIPIENTS

"SEC. 1003. In the awarding of grants under this title the Commissioner shall, insofar as practicable and consistent with the other purposes of this title, give weight to the objective of having an adequate number of graduate and professional schools of good quality within each appropriate region.

"CONSULTATION

"SEC. 1004. In the development of general policy governing the administration of this title, the Commissioner shall consult with the National Science Foundation, the National Foundation on the Arts and the Humanities, and the Federal Judicial Center for the purpose of promoting the coordination of Federal programs bearing on the purposes of this title."

PART I—LAW SCHOOL CLINICAL EXPERIENCE PROGRAMS

AUTHORIZATION

Ante, p. 1047.

SEC. 281. The Higher Education Act of 1965 is amended by inserting after title X the following new title:

"TITLE XI—LAW SCHOOL CLINICAL
EXPERIENCE PROGRAMS

"PROGRAM AUTHORIZATION

"SEC. 1101. (a) The Commissioner is authorized to enter into contracts with accredited law schools in the States for the purpose of paying not to exceed 90 per centum of the cost of establishing or expanding programs in such schools to provide clinical experience to students in the practice of law, with preference being given to programs providing such experience, to the extent practicable, in the preparation and trial of cases.

"(b) Such costs may include necessary expenditures incurred for—

"(1) planning;

"(2) training of faculty members and salary for additional faculty members;

"(3) travel and per diem for faculty and students;

"(4) reasonable stipends for students for work in the public service performed as part of any such program at a time other than during the regular academic year;

"(5) equipment; and

"(6) such other items as are allowed pursuant to regulations issued by the Commissioner.

"(c) No law school may receive more than \$75,000 in any fiscal year pursuant to this title.

"(d) For the purpose of this title the term 'accredited law school' means any law school which is accredited by a nationally recognized accrediting agency or association approved by the Commissioner for this purpose.

"Accredited law school."

"APPLICATIONS

"SEC. 1102. (a) A contract authorized by this title may be made by the Commissioner upon application which—

"(1) is made at such time or times and contains such information as he may prescribe;

"(2) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and

accounting for Federal funds paid to the applicant under this title; and

“(3) provides for making such reports, in such form and containing such information as the Commissioner may require to carry out his functions under this title, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

“(b) The Commissioner shall allocate contracts under this title in such manner as will provide an equitable distribution of such contracts throughout the United States among law schools which show promise of being able to use funds effectively for the purposes of this title.

“AUTHORIZATION OF APPROPRIATIONS

“SEC. 1103. There are authorized to be appropriated \$340,000 for the fiscal year ending June 30, 1969, and \$7,500,000 for each of the fiscal years ending June 30, 1970, and June 30, 1971, to carry out the purposes of this title (and planning and related activities in the initial fiscal year for such purposes). Funds appropriated for the fiscal year ending June 30, 1969, shall be available for obligation pursuant to the provisions of this title during that year and the succeeding fiscal year.”

PART J—AMENDMENTS TO GENERAL PROVISIONS (TITLE XII)

ESTABLISHMENT OF ADVISORY COUNCIL ON GRADUATE EDUCATION; ABOLITION OF HIGHER EDUCATION FACILITIES ACT ADVISORY COMMITTEE

SEC. 291. (a) The Higher Education Act of 1965 is amended by adding after the section 1204 (as redesignated by section 251 of this Act) the following new section:

Ante, p. 1042.

“ADVISORY COUNCIL ON GRADUATE EDUCATION

“SEC. 1205. (a) There is hereby established in the Office of Education an Advisory Council on Graduate Education (hereafter in this section referred to as the ‘Council’), consisting of the Commissioner, who shall be Chairman, of one representative each from the Office of Science and Technology in the Executive Office of the President, the National Science Foundation, and the National Foundation on the Arts and the Humanities, and of members appointed by the Commissioner without regard to the civil service or classification laws. Such appointed members shall be selected from among leading authorities in the field of education, except that at least one of them shall be a graduate student.

Membership.

“(b) The Council shall advise the Commissioner on matters of general policy arising in the administration by the Commissioner of programs relating to graduate education.

“(c) Members of the Council who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the Council or otherwise engaged in the business of the Council, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding the rate specified at the time of such service for grade GS-18 in section 5332 of title 5, United States Code, including traveltime, and while so serving on the business of the Council away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

Compensation,
travel expenses.

5 USC 5332
note.

80 Stat. 499.

“(d) The Commissioner is authorized to furnish to the Council such technical assistance, and to make available to it such secretarial,

clerical, and other assistance and such pertinent data available to him, as the Council may require to carry out its functions.”

Repeal.
20 USC 733.

(b) (1) Section 203 of the Higher Education Facilities Act of 1963 is repealed.

20 USC 732.

(2) Paragraph (1) of section 202(c) of such Act is amended to read as follows:

“(1) The Commissioner shall not approve any application for a grant under this title until he has obtained the advice and recommendations of a panel of specialists who are not employees of the Federal Government and who are competent to evaluate such applications.”

DISSEMINATION OF INFORMATION

Ante, p. 1049.

SEC. 292. The Higher Education Act of 1965 is further amended by adding after section 1205 (as added by this title) the following new section:

“DISSEMINATION OF INFORMATION

72 Stat. 1580.
20 USC 401
note.

“SEC. 1206. (a) For the purpose of carrying out more effectively the provisions of this Act, the National Defense Education Act of 1958, the Higher Education Facilities Act of 1963, and other Acts administered by him in the field of higher education (including those administered by him by delegation), the Commissioner—

77 Stat. 363.
20 USC 701
note.

“(1) shall prepare and disseminate to institutions of higher education, State agencies concerned with higher education, and other appropriate agencies and institutions (A) reports on programs and projects assisted under such Acts and other programs and projects of a similar nature, and (B) catalogs, reviews, bibliographies, abstracts, analyses of research and experimentation, and such other materials as are generally useful for such purpose;

“(2) may upon request provide advice, counsel, technical assistance, and demonstrations to institutions and agencies referred to in paragraph (1) undertaking to initiate or expand programs or projects under such Acts in order to enhance the quality, increase the depth, or broaden the scope of such programs or projects, and shall inform such institutions and agencies of the availability of assistance pursuant to this paragraph;

“(3) shall from time to time prepare and disseminate to institutions and agencies referred to in paragraph (1) reports setting forth developments in the utilization and adaptation of projects carried out pursuant to such Acts; and

“(4) may enter into contracts with public or private agencies, organizations, groups, or individuals to carry out the provisions of this section.

Appropriation.

“(b) There are authorized to be appropriated to carry out the provisions of this section \$2,000,000 for the fiscal year ending June 30, 1970. For the fiscal year ending June 30, 1971, there may be appropriated to carry out the provisions of this section only such amount as the Congress may hereafter authorize by law.

CONFORMING DEFINITIONS OF INSTITUTION OF HIGHER EDUCATION IN HIGHER EDUCATION ACT OF 1965 AND IN NATIONAL DEFENSE EDUCATION ACT OF 1958

Ante, p. 1042.

SEC. 293. (a) Section 1201(a) of the Higher Education Act of 1965 (as so redesignated by section 251 of this Act) is amended by inserting after “if not so accredited,” in clause (5) the following: “(A) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has op-

erated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (B)".

(b) The second sentence of such paragraph (a) is amended by striking out "Such term also includes any business school or technical institution" and inserting in lieu thereof "Such term also includes any school which provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation and".

INSERTION OF DEFINITION OF "COMBINATION OF INSTITUTIONS OF HIGHER EDUCATION" IN HIGHER EDUCATION ACT OF 1965

SEC. 294. Section 1201 of the Higher Education Act of 1965 (as so redesignated by section 251 of this Act) is amended by inserting at the end thereof the following:

Ante, p. 1042.

"(j) The term 'combination of institutions of higher education' means a group of institutions of higher education that have entered into a cooperative arrangement for the purpose of carrying out a common objective, or a public or private nonprofit agency, organization, or institution designated or created by a group of institutions of higher education for the purpose of carrying out a common objective on their behalf."

PROVISIONS FOR ADEQUATE LEADTIME AND FOR PLANNING AND EVALUATION IN HIGHER EDUCATION PROGRAMS

SEC. 295. The Higher Education Act of 1965, as amended by this Act, is further amended by adding after section 1206 the following new sections:

Ante, p. 1050.

"PROGRAM PLANNING AND EVALUATION FOR HIGHER EDUCATION PROGRAMS

"SEC. 1207. There are authorized to be appropriated \$1,117,000 for the fiscal year ending June 30, 1969, and \$1,900,000 for the fiscal year ending June 30, 1970, to be available to the Secretary, in accordance with regulations prescribed by him, for expenses, including grants, loans, contracts, or other payments, for (1) planning for the succeeding year programs or projects authorized under any other provision of this Act or any provision of the National Defense Education Act of 1958 or the Higher Education Facilities Act of 1963, and (2) evaluation of programs or projects so authorized.

Appropriation.

72 Stat. 1580.
20 USC 401
note.
77 Stat. 363.
20 USC 701
note.

"ADVANCE FUNDING

"SEC. 1208. To the end of affording the responsible State, local, and Federal officers concerned adequate notice of available Federal financial assistance for education, appropriations for grants, loans, contracts, or other payments under any Act referred to in section 1207 are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation. In order to effect a transition to this method of timing appropriation action, the preceding sentence shall apply notwithstanding that its initial application under any such Act will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

“EVALUATION REPORTS AND CONGRESSIONAL REVIEW

Ante, p. 1051.

“SEC. 1209. (a) No later than March 31 of each calendar year, the Secretary shall transmit to the respective committees of the Congress having legislative jurisdiction over any Act referred to in section 1207 and to the respective Committees on Appropriations a report evaluating the results and effectiveness of programs and projects assisted thereunder during the preceding fiscal year, together with his recommendations (including any legislative recommendations) relating thereto.

“(b) In the case of any such program, the report submitted in the penultimate fiscal year for which appropriations are then authorized to be made for such program shall include a comprehensive and detailed review and evaluation of such program (as up to date as the due date permits) for its entire past life, based to the maximum extent practicable on objective measurements, together with the Secretary’s recommendations as to proposed legislative action.

“AVAILABILITY OF APPROPRIATIONS ON ACADEMIC OR SCHOOL YEAR BASIS

“SEC. 1210. Appropriations for any fiscal year for grants, loans, contracts, or other payments to educational agencies or institutions under any Act referred to in section 1207, may, in accordance with regulations of the Secretary, be made available for expenditure by the agency or institution concerned on the basis of an academic or school year differing from such fiscal year.”

TITLE III—AMENDMENTS TO OTHER PROVISIONS OF
THE NATIONAL DEFENSE EDUCATION ACT OF 1958PART A—EQUIPMENT AND MATERIALS FOR ELEMENTARY AND SECONDARY
EDUCATION (TITLE III)

EXTENSION OF PROGRAM

Appropriation.
20 USC 441.

SEC. 301. (a) Section 301 of the National Defense Education Act of 1958 is amended by striking out “and \$110,000,000 for the fiscal year ending June 30, 1968,” and inserting in lieu thereof “, \$110,000,000 for each of the fiscal years ending June 30, 1968, and June 30, 1969, \$120,000,000 for the fiscal year ending June 30, 1970, and \$130,000,000 for the fiscal year ending June 30, 1971,”.

(b) Such section 301 is further amended by striking out “the fiscal year ending June 30, 1965, and for each of the three succeeding fiscal years” and inserting in lieu thereof “each of the succeeding fiscal years ending prior to July 1, 1971”.

20 USC 444.

(c) The second sentence of section 304(b) of such Act is amended by striking out “eight” and inserting in lieu thereof “eleven”.

PROVISION FOR WITHIN-STATE EQUALIZATION IN STATE-IMPOSED REQUIRE-
MENTS FOR FINANCIAL PARTICIPATION OF PROJECT APPLICANTS

20 USC 443.

SEC. 302. Subsection (a) of section 303 of the National Defense Education Act of 1958 is amended by striking out the period at the end of paragraph (5) and inserting in lieu thereof “; and”; and by inserting at the end of such subsection the following new paragraph:

“(6) sets forth any requirements imposed upon applicants for financial participation in projects assisted under this part, including any provision for taking into account, in such requirements,

the resources available to any applicant for such participation relative to the resources for participation available to all other applicants."

PRIVATE SCHOOLS: AUTHORIZING REALLOTMENT OF SET-ASIDE FOR LOANS;
REPEALING LOAN ALLOTMENT FORMULA

SEC. 303. (a) (1) Section 305 of the National Defense Education Act of 1958 is amended by striking out "SEC. 305." and all that follows down to but not including subsection (b) (1) and inserting in lieu thereof the following:

20 USC 445.

"SEC. 305. From the sums reserved for each fiscal year for the purposes of this section under the provisions of section 302(a), the Commissioner is authorized to make loans to private nonprofit elementary and secondary schools in any State. Any such loan shall be made only for the purposes for which payments to State educational agencies are authorized under the first sentence of section 301, and—"

20 USC 441.

(2) Paragraph (3) of such section is amended by striking out "the current average yield on all outstanding marketable obligations of the United States" and inserting in lieu thereof "the current average market yield on outstanding marketable obligations of the United States with redemption periods to maturity comparable to the average maturities of such loans".

(b) Section 302(c) of such Act is amended to read as follows:

20 USC 442.

"(c) The amount of any State's allotment under subsection (a) of this section for any fiscal year which the Commissioner determines will not be required for such fiscal year shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, to the other States in proportion to the original allotments to such States under subsection (a) of this section, but with such proportionate amount for any such State being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reserved for any fiscal year for making loans under section 305 which the Commissioner determines will not be required for that purpose for such year shall be available for allotment among the States in the manner provided in the preceding sentence for reallotments. Any amount allotted or reallotted to a State under this subsection during a year from funds appropriated pursuant to section 301 shall be deemed part of its allotment under subsection (a) of this section for such year."

Ante, p. 1052.

(c) The amendment made by subsection (a) (2) shall apply with respect to loans made after the date of enactment of this Act.

Effective date.

EQUIPMENT FOR EDUCATIONALLY DEPRIVED CHILDREN

SEC. 304. (a) Title III of the National Defense Education Act of 1958 is amended by inserting immediately below the center heading thereof the following:

20 USC 441-445.

"PART A—GRANTS TO STATES"

(b) Title III of such Act is amended (1) by striking out "this title" wherever it appears and inserting in lieu thereof "this part"; and (2) by adding at the end thereof the following new part:

"PART B—GRANTS TO LOCAL EDUCATIONAL AGENCIES

"APPROPRIATIONS AUTHORIZED

"SEC. 311. There are hereby authorized to be appropriated, for carrying out this part, \$84,373,000 for the fiscal year ending June 30, 1969, and \$160,000,000 for the fiscal year ending June 30, 1970. For the fiscal year ending June 30, 1971, there may be appropriated to carry out the provisions of this part only such amount as the Congress may hereafter authorize by law.

"ALLOTMENTS TO LOCAL EDUCATIONAL AGENCIES

"SEC. 312. From the sums appropriated pursuant to section 311 for any fiscal year the Commissioner shall reserve such amount, but not in excess of 3 per centum thereof, as he may determine for allotment as provided in section 1008(A). From the remainder of such sums the Commissioner shall allot to each local educational agency (other than local educational agencies of States which receive their allotments under this part as provided in subsection 1008(A)) an amount which bears the same ratio to the amount of such remainder as the amount received by such agency from funds appropriated for the preceding fiscal year for grants under title I of the Elementary and Secondary Education Act of 1965 (title II of Public Law 874, Eighty-first Congress, as amended) bears to the amount received by all local educational agencies from such funds for such year.

Post, p. 1058.

20 USC 241a-
241m.

"APPLICATION OF LOCAL EDUCATIONAL AGENCY

"SEC. 313. (a) A local educational agency may receive a grant under this part for any fiscal year only on application therefor approved by the appropriate State educational agency, upon its determination (consistent with such basic criteria as the Commissioner may establish)—

"(1) that payments under this part will be used for the acquisition of equipment and materials referred to in section 303(a) (1) to be used in programs and projects designed to meet the special educational needs of educationally deprived children in school attendance areas having a high concentration of children from low-income families;

"(2) that, to the extent consistent with the number of educationally deprived children in the school district of the local educational agency who are enrolled in private elementary and secondary schools, such agency has made provision for including special educational services and arrangements (such as dual enrollment, educational radio and television, and mobile educational services and equipment) which will afford such children the benefits of the equipment and materials provided under this part;

"(3) that the local educational agency has provided satisfactory assurance that the control of funds provided under this part, and that title to equipment and materials acquired therewith, shall be in a public agency for the uses and purposes provided in this part, and that a public agency will administer such funds and equipment and materials; and

"(4) that the local educational agency will make an annual report and such other reports to the State educational agency, in such form and containing such information, as may be reasonably necessary to enable the State educational agency to perform its

20 USC 443.

duties under this part, and will keep such records and afford such access thereto as the State educational agency may find necessary to assure the correctness and verification of such reports.

Recordkeeping.

“(b) The State educational agency shall not finally disapprove in whole or in part any application for funds under this part without first affording the local educational agency submitting the application reasonable notice and opportunity for a hearing.

“STATE APPLICATION

“SEC. 314. (a) Any State desiring to participate under this part shall submit through its State educational agency to the Commissioner an application, in such detail as the Commissioner deems necessary, which provides satisfactory assurance—

“(1) that payments under this part will be used only for programs and projects which have been approved by the State educational agency pursuant to section 313, and that such agency will in all other respects comply with the provisions of this part, including the enforcement of any obligations imposed upon a local educational agency under section 313.

“(2) that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, funds paid to the State (including such funds paid by the State to local educational agencies) under this part; and

“(3) that the State educational agency will make to the Commissioner such reports as may be reasonably necessary to enable the Commissioner to perform his duties under this part (including such reports as he may require to determine the amounts which local educational agencies of that State are eligible to receive for any fiscal year), and assurance that such agency will keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

“(b) An application submitted under this section shall be deemed a State plan for the purposes of sections 1004 and 1005.

20 USC 584,
585.

“PAYMENTS

“SEC. 315. (a) The Commissioner shall, from time to time pay to each State, in advance or otherwise, the amount which the local educational agencies of that State are eligible to receive under this part. Such payments shall take into account the extent (if any) to which any previous payment to such State educational agency under this part (whether or not in the same fiscal year) was greater or less than the amount which should have been paid to it.

“(b) From the funds paid to it pursuant to subsection (a) each State educational agency shall distribute to each local educational agency of the State which has submitted an application approved to pursuant to section 313(a) the amount for which such application has been approved, except that this amount shall not exceed its allotment for the fiscal year under section 312.”

(c) Paragraph (2) of section 1004(c) of the National Defense Education Act of 1958 is amended, (1) by striking out “title III or V” and inserting in lieu thereof “part A or B of title III or under title V”; and (2) by inserting “part or” before “title or section” each time these words appear in such paragraph.

PART B—AMENDMENTS TO NATIONAL DEFENSE FELLOWSHIP PROGRAM

EXTENSION OF PROGRAM

20 USC 462. SEC. 311. (a) Section 402(a) of the National Defense Education Act of 1958 is amended by striking out “two succeeding fiscal years” and inserting in lieu thereof “seven succeeding fiscal years”.

20 USC 463. (b) Section 403(a) of such Act is amended by striking out “three succeeding fiscal years” and inserting in lieu thereof “eight succeeding fiscal years”.

INCREASING MAXIMUM LENGTH OF FELLOWSHIP FROM THREE TO FOUR YEARS IN SPECIAL CIRCUMSTANCES, AND REQUIRING INSTITUTIONAL EFFORT TO ENCOURAGE RECIPIENTS TO ENTER OR CONTINUE TEACHING

SEC. 312. (a) Subsection (a) of section 402 of the National Defense Education Act of 1958 is amended by inserting “(1)” after “except” in the second sentence thereof, and by inserting immediately before the period at the end of such sentence the following: “, and (2) that the Commissioner may provide by regulation for the granting of such fellowships for a period of study not to exceed one academic year (or one calendar year in the case of fellowships to which clause (1) applies) in addition to the maximum period otherwise applicable, under special circumstances in which the purposes of this title would most effectively be served thereby”.

(b) The Commissioner may in his discretion increase, in accordance with the amendment made by subsection (a), the maximum periods of fellowships awarded prior to the date of enactment of this Act.

(c) The second sentence of section 403(a) is amended by striking out the period at the end of clause (2) of such sentence and inserting “, and” in lieu thereof; and by adding the following new clause:

“(3) that the application contains satisfactory assurance that the institution will make reasonable continuing efforts to encourage recipients of fellowships under this title, enrolled in such program, to teach or continue to teach in institutions of higher education.”

Effective date. (d) The amendment made by subsection (c) of this section shall apply with respect to fellowships awarded on or after the date of enactment of this Act.

REQUIRING STIPENDS TO BE SET IN AN AMOUNT CONSISTENT WITH THOSE AWARDED FOR COMPARABLE FELLOWSHIPS

20 USC 464. SEC. 313. (a) Section 404 of the National Defense Education Act of 1958 is amended to read as follows:

“FELLOWSHIP STIPENDS

“SEC. 404. (a) The Commissioner shall pay to persons awarded fellowships under this title such stipends (including such allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

“(b) The Commissioner shall (in addition to the stipends paid to persons under subsection (a)) pay to the institution of higher education at which such person is pursuing his course of study such amounts as the Commissioner may determine to be consistent with prevailing practices under comparable federally supported programs, except that such amount shall not exceed \$3,500 per academic year for any such person.”

(b) The amount of any stipend payable with respect to a fellowship awarded prior to the date of enactment of this Act shall not, during the period for which such fellowship was awarded, be less with respect to any year of study than the amount that would in the absence of the amendment made by subsection (a) of this section be payable with respect to such year.

EQUITABLE DISTRIBUTION OF FELLOWSHIPS UNDER TITLE IV OF THE
NATIONAL DEFENSE EDUCATION ACT OF 1958

SEC. 314. Section 403 of the National Defense Education Act of 1958 is amended by inserting at the end thereof the following new subsection:

20 USC 463.

“(e) In order to provide training opportunities in those areas of the Nation which have greater need for increased numbers of highly qualified persons to teach in institutions of higher education, the Commissioner shall seek to achieve an equitable geographical distribution of graduate programs approved under this section throughout the Nation, based upon such factors as student enrollments in institutions of higher education and population.”

PART C—GUIDANCE, COUNSELING, AND TESTING (TITLE V)

EXTENSION OF PROGRAM

SEC. 321. (a) Section 501 of the National Defense Education Act of 1958 is amended by striking out “and” after “June 30, 1966,” and by inserting after “two succeeding fiscal years,” the following: “\$25,000,000 for the fiscal year ending June 30, 1969, \$40,000,000 for the fiscal year ending June 30, 1970, and \$54,000,000 for the fiscal year ending June 30, 1971.”

Appropriation.
20 USC 481.

(b)(1) The second sentence of section 504(a) of such Act is amended by striking out “eight”.

20 USC 484.

(2) Section 504(b) of such Act is amended by striking out “nine”.

SHORT-TERM TRAINING SESSIONS IN GUIDANCE AND COUNSELING

SEC. 322. Section 503(a) (2) of the National Defense Education Act of 1958 is amended by inserting before the period at the end thereof a comma and the following: “and such programs may include, at the discretion of such State agency, short-term training sessions for persons engaged in guidance and counseling in elementary and secondary schools, junior colleges, and technical institutes in such State”.

20 USC 483.

PART D—LANGUAGE DEVELOPMENT (TITLE VI)

EXTENSION OF PROGRAM

SEC. 331. (a) Subsections (a) and (b) of section 601 of the National Defense Education Act of 1958 are each amended by striking out “1968” and inserting in lieu thereof “1971”.

20 USC 511.

(b) Section 603 of such Act is amended by striking out “and” before “\$18,000,000” and by inserting after “1968,” the following: “\$16,050,000 for the fiscal year ending June 30, 1969, \$30,000,000 for the fiscal year ending June 30, 1970, and \$38,500,000 for the fiscal year ending June 30, 1971”.

Appropriation.
20 USC 513.

PART E—EDUCATIONAL MEDIA (TITLE VII)

SPECIAL PERSONNEL

20 USC 562.

SEC. 341. Section 762 of the National Defense Education Act of 1958 is amended by striking out “television, radio, motion pictures, and other related media of communication” and inserting in lieu thereof “new media and technology”.

PART F—AMENDMENT TO MISCELLANEOUS PROVISIONS (TITLE X)

PROVISION IN NATIONAL DEFENSE EDUCATION ACT OF 1958 FOR THE TRUST TERRITORY OF THE PACIFIC ISLANDS, FOR SCHOOLS OF DEPARTMENT OF INTERIOR FOR INDIAN CHILDREN, AND FOR OVERSEAS DEPENDENT SCHOOLS OF DEPARTMENT OF DEFENSE

20 USC 588.

SEC. 351. (a) Section 1008 of the National Defense Education Act of 1958 is amended to read as follows:

“ALLOTMENTS TO TERRITORIES AND POSSESSIONS

20 USC 442,
482; Ante, p.
1054.

“SEC. 1008. The amounts reserved by the Commissioner under sections 302, 312, and 502 shall, in accordance therewith, be allotted among—

“(A) Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for the type of assistance furnished under the part or title in which the section appears, and

“(B) in the case of amounts so reserved under sections 302 and 502, (i) the Secretary of the Interior, according to the need for such assistance in order to effectuate the purposes of such part or title in schools operated for Indian children by the Department of the Interior, and (ii) the Secretary of Defense according to the need for such assistance in order to effectuate the purposes of such part or title in the overseas dependents schools of the Department of Defense. The terms upon which payments for such purpose shall be made to the Secretary of the Interior and the Secretary of Defense shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this title.”

(b) Sections 302(a) (1) and 502(a) of such Act are each amended by striking out “2 per centum thereof, as he may determine for allotment as provided in section 1008” and inserting in lieu thereof “3 per centum thereof, as he may determine for allotment as provided in section 1008 (A), and such amount, not in excess of 1 per centum thereof, as he may determine for allotment as provided in section 1008 (B)”.

20 USC 403.

(c) Section 103(a) of such Act is amended (1) by striking out “or” each time it appears before “the Virgin Islands”, (2) by inserting after “the Virgin Islands,” as it first appears “and, for the purposes of titles II, III, and V, the Trust Territory of the Pacific Islands,” (3) by striking out “(1) as used in section 205 (b) (3) of this title such term includes the Trust Territory of the Pacific Islands, and (2)”, and (4) by inserting before the period at the end thereof “, or the Trust Territory of the Pacific Islands”.

Effective date.

(d) The amendments made by this section shall be effective with respect to fiscal years ending after June 30, 1968.

TITLE IV—AMENDMENTS TO HIGHER EDUCATION FACILITIES ACT OF 1963

EXTENSION OF PROGRAM

SEC. 401. (a) (1) Subsection (a) of section 101 of the Higher Education Facilities Act of 1963 is amended by striking out “during the fiscal year ending June 30, 1964, and each of the seven succeeding fiscal years.”. Appropriation.
20 USC 711.

(2) Subsection (b) of section 101 of such Act is amended by striking out so much of the first sentence thereof as follows “June 30, 1968, and” and inserting in lieu thereof “\$936,000,000 for each of the succeeding fiscal years ending prior to July 1, 1971.”.

(3) Subsection (b) of section 105 of such Act is amended (A) by striking out “two succeeding fiscal years” in the first sentence thereof and inserting in lieu thereof “four succeeding fiscal years”, and (B) by striking out the last sentence of such subsection. 20 USC 715.

(4) Section 103(b) (1) and section 104(b) (1) of such Act are each amended by striking out the last sentence. 20 USC 713,
714.

(b) Section 201 of the Higher Education Facilities Act of 1963 is amended— Appropriation.
20 USC 731.

(1) in the first sentence, by striking out “, during the fiscal year ending June 30, 1964, and each of the seven succeeding fiscal years,”; and

(2) by striking out so much of the second sentence as follows “and the sum of \$120,000,000” and inserting in lieu thereof “for each of the succeeding fiscal years ending prior to July 1, 1971.”.

(c) Subsection (c) of section 303 of the Higher Education Facilities Act of 1963 is amended— 20 USC 743.

(1) in the first sentence thereof by striking out “, during the fiscal year ending June 30, 1964, and each of the seven succeeding fiscal years,”; and

(2) in the second sentence thereof by striking out so much of such sentence as follows “\$400,000,000” and inserting in lieu thereof “for each of the succeeding fiscal years ending prior to July 1, 1971.”.

BROADENING ELIGIBILITY FOR CONSTRUCTION GRANTS

SEC. 402. (a) Effective with respect to fiscal years ending on or after June 30, 1969—

(1) Section 106 (1) and (2) of the Higher Education Facilities Act of 1963, as amended, is amended by inserting after “enrollment capacity” in each case the following: “, capacity to provide needed health care to students or personnel of the institution,”. 20 USC 716.

(2) The second sentence of section 107(a) of such Act is amended by striking out “and” before “(2)” and by inserting before the period at the end thereof the following: “, and (3) shall give consideration to expansion of capacity to provide needed health care to students and institutional personnel”. 20 USC 717.

(3) Section 108(b) of such Act is amended by striking out “and”, at the end of paragraph (5), redesignating paragraph (6) as paragraph (7) and inserting after paragraph (5) the following: 20 USC 718.

“(6) in the case of a project to construct an infirmary or other facility designed to provide primarily for outpatient care of students and institutional personnel, he determines that no financial assistance will be provided such project under title IV of the Housing Act of 1950; and”.

12 USC 1749-
1749c.

20 USC 743.

(4) Section 303(a) is amended by striking out "and" at the end of clause (2), and by inserting before the period the following: "and (4) that, in the case of a project to construct an infirmary or other facility designed to provide primarily for outpatient care of students and institutional personnel, no financial assistance will be provided such project under title IV of the Housing Act of 1950".

12 USC 1749-1749c.

20 USC 751.

(5) The first sentence of section 401(a) of such Act is amended by inserting before the period at the end thereof the following: "; and, for purposes of titles I and III, such term includes infirmaries or other facilities designed to provide primarily for outpatient care of students and institutional personnel".

20 USC 716.

(b) (1) Section 106 of the Higher Education Facilities Act of 1963 is amended by inserting at the end thereof the following new sentence: "If the Commissioner finds that the student enrollment capacity of an institution would decrease if an urgently needed academic facility is not constructed, construction of such a facility may be considered, for the purposes of this section, to result in expansion of the institution's student enrollment capacity.".

Effective date.

(2) The amendment made by paragraph (1) of this subsection shall be effective only with respect to grants made from appropriations for fiscal years beginning after June 30, 1969.

ANNUAL INTEREST GRANTS

20 USC 741-745.

SEC. 403. Title III of the Higher Education Facilities Act of 1963 is amended by adding at the end thereof the following new section:

"ANNUAL INTEREST GRANTS

"SEC. 306. (a) To assist institutions of higher education and higher education building agencies to reduce the cost of borrowing from other sources for the construction of academic facilities, the Commissioner may make annual interest grants to such institutions and agencies.

"(b) Annual interest grants to an institution of higher education or higher education building agency with respect to any academic facility shall be made over a fixed period not exceeding forty years, and provision for such grants shall be embodied in a contract guaranteeing their payment over such period. Each such grant shall be in an amount not greater than the difference between (1) the average annual debt service which would be required to be paid, during the life of the loan, on the amount borrowed from other sources for the construction of such facilities, and (2) the average annual debt service which the institution would have been required to pay, during the life of the loan, with respect to such amounts if the applicable interest rate were the maximum rate specified in section 303(b): *Provided*, That the amount on which such grant is based shall be approved by the Secretary.

"(c) (1) There are hereby authorized to be appropriated to the Commissioner such sums as may be necessary for the payment of annual interest grants to institutions of higher education and higher education building agencies in accordance with this section.

"(2) Contracts for annual interest grants under this section shall not be entered into in an aggregate amount greater than is authorized in appropriation Acts; and in any event the total amount of annual interest grants which may be paid to institutions of higher education and higher education building agencies in any year pursuant to contracts entered into under this section shall not exceed \$5,000,000, which amount shall be increased by \$6,750,000 on July 1, 1969, and by \$13,500,000 on July 1, 1970.

"(d) Not more than 12½ per centum of the funds provided for in this section for grants may be used within any one State.

“(e) No annual interest grant pursuant to this section shall be made unless the Commissioner finds (1) that not less than 10 per centum of the development cost of the facility will be financed from non-Federal sources, (2) that the applicant is unable to secure a loan in the amount of the loan with respect to which the annual interest grant is to be made, from other sources upon terms and conditions equally as favorable as the terms and conditions applicable to loans under this title, and (3) that the construction will be undertaken in an economical manner and that it will not be of elaborate or extravagant design or materials. For purposes of this section, a loan with respect to which an interest grant is made under this section shall not be considered financing from a non-Federal source. For purposes of the other provisions of this Act, such a loan shall be considered financing from a non-Federal source.”

EXTENDING AUTHORIZATION FOR HIGHER EDUCATION FACILITIES
CONSTRUCTION ASSISTANCE IN MAJOR DISASTER AREAS

SEC. 404. Section 408(a) of the Higher Education Facilities Act of 1963 is amended by striking out “July 1, 1967,” and inserting in lieu thereof “July 1, 1971.” 20 USC 758.

INCREASING FEDERAL SHARE

SEC. 405. (a) Sections 107(b) and 401(d) of the Higher Education Facilities Act of 1963 are each amended (1) by striking out “33⅓ per centum” and inserting in lieu thereof “50 per centum” and (2) by striking out “40 per centum” and inserting in lieu thereof “50 per centum”. 20 USC 717, 751.

(b) Section 202(b) of such Act is amended by striking out “33⅓ per centum” and inserting in lieu thereof “50 per centum”. 20 USC 732.

MINIMUM TITLE I ALLOTMENTS TO STATES AND TERRITORIES

SEC. 406. (a) Title I of the Higher Education Facilities Act of 1963 is amended by inserting after the second sentence of section 103 and after the first sentence of section 104 the following: “The amount allotted to any State under the preceding sentence for any fiscal year which is less than \$50,000 shall be increased to \$50,000, the total of increases thereby required being derived by proportionately reducing the amount allotted to each of the remaining States under the preceding sentence, but with such adjustments as may be necessary to prevent the allotment of any such remaining States from being thereby reduced to less than \$50,000.” 20 USC 713, 714.

(b) The amendments made by this section shall apply with respect to fiscal years ending on or after June 30, 1969. Effective date.

TITLE V—MISCELLANEOUS

EXTENSION OF PROGRAM OF FINANCIAL ASSISTANCE FOR STRENGTHENING
INSTRUCTION IN THE HUMANITIES AND ARTS

SEC. 501. (a) The first sentence of section 12 of the National Foundation on the Arts and the Humanities Act of 1965 is amended (1) by striking out “two succeeding years” and inserting in lieu thereof “five succeeding fiscal years”, and (2) by striking out all that follows “\$500,000” and inserting in lieu thereof a period. 20 USC 961.

(b) Such section is further amended, (1) in subsection (b), by striking out “allotted” and inserting in lieu thereof “reserved, allotted, and reallocated”; and (2) in subsection (f), by striking out “allot and”.

EXTENSION OF INTERNATIONAL EDUCATION ACT OF 1966

20 USC 1176. SEC. 502. Section 105(a) of the International Education Act of 1966 is amended by striking out "the fiscal year ending June 30, 1969," and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1971."

AGE QUOTAS IN YOUTH WORK AND TRAINING PROGRAMS

42 USC 2741. SEC. 503. Section 124 of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following:
 42 USC 2740. "(f) In the case of a program under section 123(a)(1), the Director shall not limit the number or percentage of the participants in the program who are fourteen or fifteen years of age."

ELIGIBILITY FOR STUDENT ASSISTANCE

SEC. 504. (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of this Act and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c). If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c).

(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this Act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c).

(c) The programs referred to in subsections (a) and (b) are as follows:

(1) The student loan program under title II of the National Defense Education Act of 1958.

(2) The educational opportunity grant program under part A of title IV of the Higher Education Act of 1965.

(3) The student loan insurance program under part B of title IV of the Higher Education Act of 1965.

(4) The college work-study program under part C of title IV of the Higher Education Act of 1965.

(5) Any fellowship program carried on under title II, III, or V of the Higher Education Act of 1965 or title IV or VI of the National Defense Education Act of 1958.

(d) (1) Nothing in this Act, or any Act amended by this Act, shall be construed to prohibit any institution of higher education from re-

20 USC 421-429.

20 USC 1061-1069.

20 USC 1071-1086; *Ante*, p. 1020.
Ante, p. 1028.

20 USC 1021-1041, 1051-1055, 1091-1119b-2; *Ante*, pp. 1038, 1041.
 20 USC 461-465, 511-513.

fusing to award, continue, or extend any financial assistance under any such Act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

(2) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

(3) Nothing in this section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

RULEMAKING REQUIREMENTS

SEC. 505. No standard, rule, regulation, or requirement of general applicability prescribed for the administration of this Act or any Act amended by this Act may take effect until 30 days after it is published in the Federal Register.

Publication in
Federal Register.

DUPLICATION OF BENEFITS

SEC. 506. No grant, award, or loan of assistance to any student under any Act amended by this Act shall be considered a duplication of benefits for the purposes of section 1781 of title 38, United States Code.

80 Stat. 21.

FINANCIAL AID TO STUDENTS NOT TO BE TREATED AS INCOME OR RESOURCES UNDER CERTAIN PROGRAMS

SEC. 507. For the purpose of any program assisted under title I, IV, X, XIV, XVI, or XIX of the Social Security Act, no grant or loan to any undergraduate student for educational purposes made or insured under any program administered by the Commissioner of Education shall be considered to be income or resources.

42 USC 301,
601, 1201, 1351,
1381, 1396.

PRESIDENTIAL RECOMMENDATION WITH RESPECT TO POST-SECONDARY EDUCATION FOR ALL

SEC. 508. On or before December 31, 1969, the President shall submit to the Congress proposals relative to the feasibility of making available a post-secondary education to all young Americans who qualify and seek it.

Approved October 16, 1968.

Public Law 90-576

October 16, 1968
[H. R. 18366]

AN ACT

To amend the Vocational Education Act of 1963, and for other purposes.

Vocational Edu-
cation Amendments
of 1968.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION. 1. This Act may be cited as the "Vocational Education Amendments of 1968".

TITLE I—AMENDMENTS TO THE VOCATIONAL EDUCATION ACT OF 1963

ACT AMENDMENTS

20 USC 35 note. SEC. 101. (a) The Act of December 18, 1963, Public Law 88-210 (77 Stat. 403 et seq.), is amended—

(1) by redesignating parts B and C thereof as titles II and III and redesignating sections 21 through 28 and 31 through 33, and all references thereto, as sections 201 through 208 and 301 through 303, respectively;

(2) redesignating part A thereof as title I; and

Citation of
title.

(3) adding after the enacting clause, the following: "That title I of this Act may be cited as the 'Vocational Education Act of 1963'."

(b) Title I of such Act (as redesignated by subsection (a)) is amended to read as follows:

"TITLE I—VOCATIONAL EDUCATION

"PART A—GENERAL PROVISIONS

"DECLARATION OF PURPOSE

"SEC. 101. It is the purpose of this title to authorize Federal grants to States to assist them to maintain, extend, and improve existing programs of vocational education, to develop new programs of vocational education, and to provide part-time employment for youths who need the earnings from such employment to continue their vocational training on a full-time basis, so that persons of all ages in all communities of the State—those in high school, those who have completed or discontinued their formal education and are preparing to enter the labor market, those who have already entered the labor market but need to upgrade their skills or learn new ones, those with special educational handicaps, and those in postsecondary schools—will have ready access to vocational training or retraining which is of high quality, which is realistic in the light of actual or anticipated opportunities for gainful employment, and which is suited to their needs, interests, and ability to benefit from such training.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 102. (a) There are authorized to be appropriated \$355,000,000 for the fiscal year ending June 30, 1969, \$565,000,000 for the fiscal year ending June 30, 1970, \$675,000,000 for the fiscal year ending June 30, 1971, \$675,000,000 for the fiscal year ending June 30, 1972, and \$565,000,000 for the fiscal year ending June 30, 1973, and each succeeding fiscal year for the purposes of parts B and C of this title. From the

amount appropriated pursuant to the preceding sentence and allotted to each State under section 103, 90 per centum shall be available for the purposes of part B and 10 per centum shall be available for the purposes of part C.

“(b) There are also authorized to be appropriated \$40,000,000 each for the fiscal years and ending June 30, 1969, and June 30, 1970, for the purposes of section 122(a)(4)(A). Nothing in this subsection shall be construed to affect the availability for such purposes, of appropriations made pursuant to subsection (a) of this section.

“(c) There are further authorized to be appropriated for each fiscal year such sums as may be necessary to pay the cost of the administration and development of State plans, the activities of advisory councils created under this title, and the evaluation and dissemination activities required pursuant to this title.

“ALLOTMENTS AMONG STATES

“SEC. 103. (a) (1) From the sums appropriated pursuant to section 102(a) the Commissioner shall first reserve an amount, not to exceed \$5,000,000 in any fiscal year, for transfer to the Secretary of Labor to finance (upon terms and conditions mutually satisfactory to the Commissioner and the Secretary of Labor) national, regional, State, and local studies and projections of manpower needs for the use and guidance of Federal, State, and local officials, and of advisory councils charged with responsibilities under this title.

“(2) The remainder of the sums appropriated pursuant to section 102(a) and all of the sums appropriated pursuant to section 102(b) shall be allotted among the States on the basis of the number of persons in the various age groups needing vocational education and the per capita income in the respective States as follows: The Commissioner shall allot to each State for each fiscal year—

“(A) An amount which bears the same ratio to 50 per centum of the sums being allotted, as the product of the population aged fifteen to nineteen, inclusive, in the State in the preceding fiscal year and the State's allotment ratio bears to the sum of the corresponding products for all the States; plus

“(B) An amount which bears the same ratio to 20 per centum of the sums being allotted, as the product of the population aged twenty to twenty-four, inclusive, in the State in the preceding fiscal year and the State's allotment ratio bears to the sum of the corresponding products for all the States; plus

“(C) An amount which bears the same ratio to 15 per centum of the sums being allotted, as the product of the population aged twenty-five to sixty-five, inclusive, in the State in the preceding fiscal year and the State's allotment ratio bears to the sum of the corresponding products for all the States; plus

“(D) An amount which bears the same ratio to 5 per centum of the sums being allotted, as the sum of the amounts allotted to the State under subparagraphs (A), (B), and (C) for such years bears to the sum of the amounts allotted to all the States under paragraphs (A), (B), and (C) for such year.

“(b) The amount of any State's allotment under subsection (a) for any fiscal year which is less than \$10,000 shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotments to each of the remaining States under such subsection, but with such adjustments as may be necessary to prevent the allotment of any of such remaining States from being thereby reduced to less than that amount.

“(c) The amount of any State's allotment under subsection (a) for any fiscal year which the Commissioner determines will not be re-

quired for such fiscal year for carrying out the program for which such amount has been allotted shall be available, from time to time, for reallocation, on such dates during such year as the Commissioner shall fix, on the basis of criteria established by regulation, first among programs authorized by other parts of this title within that State and then among other States, except that funds appropriated under section 102(b) may only be reallocated for the uses set forth in section 122 (a) (4) (A). Any amount reallocated to a State under this subsection for any fiscal year shall remain available for obligation during the next succeeding fiscal year and shall be deemed to be part of its allotment for the year in which it is obligated.

"Allotment ratio."

"(d) (1) The 'allotment ratio' for any State shall be 1.00 less the product of—

"(A) 0.50, and

"(B) the quotient obtained by dividing the per capita income for the State by the per capita income for all the States (exclusive of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), except that (i) the allotment ratio in no case shall be more than 0.60 or less than 0.40, and (ii) the allotment ratio for Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall be 0.60.

"(2) The allotment ratios shall be promulgated by the Commissioner for each fiscal year between July 1 and September 30 of the preceding fiscal year. Allotment ratios shall be computed on the basis of the average of the appropriate per capita incomes for the three most recent consecutive fiscal years for which satisfactory data are available.

"Per capita income."

"(3) The term 'per capita income' means, with respect to a fiscal year, the total personal income in the calendar year ending in such year, divided by the population of the area concerned in such year.

"(4) For the purposes of this section population shall be determined by the Commissioner on the basis of the latest estimates available to him.

"NATIONAL AND STATE ADVISORY COUNCILS

National Advisory Council on Vocational Education.
Establishment; membership.

"SEC. 104. (a) (1) There is hereby created a National Advisory Council on Vocational Education (hereinafter referred to as the 'National Council') consisting of twenty-one members appointed by the President, without regard to the civil service laws, for terms of three years, except that (i) in the case of the initial members, seven shall be appointed for terms of one year each and seven shall be appointed for terms of two years each, and (ii) appointments to fill vacancies shall be only for such terms as remain unexpired. The Council shall include persons—

"(A) representative of labor and management, including persons who have knowledge of the semiskilled, skilled, and technical employment in such occupational fields as agriculture, home economics, distribution and marketing, health, trades, manufacturing, office and service industries, and persons representative of new and emerging occupational fields,

"(B) familiar with manpower problems and administration of manpower programs,

"(C) knowledgeable about the administration of State and local vocational education programs, including members of local school boards.

"(D) experienced in the education and training of handicapped persons,

"(E) familiar with the special problems and needs of individuals disadvantaged by their socioeconomic backgrounds,

"(F) having special knowledge of postsecondary and adult vocational education programs, and

"(G) representative of the general public who are not Federal employees, including parents and students, except that they may not be representative of categories (A) through (F), and who shall constitute no less than one-third of the total membership.

The National Council shall meet at the call of the Chairman, who shall be selected by the President, but not less than four times a year.

"(2) The National Council shall—

Duties.

"(A) advise the Commissioner concerning the administration of, preparation of general regulations for, and operation of, vocational education programs supported with assistance under this title;

"(B) review the administration and operation of vocational education programs under this title, including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for changes in the provisions of this title) to the Secretary for transmittal to the Congress; and

Report, transmittal to Congress.

"(C) conduct independent evaluations of programs carried out under this title and publish and distribute the results thereof.

"(3) Members of the National Council who are not regular full-time employees of the United States shall, while serving on business of the National Council, be entitled to receive compensation at rates fixed by the President, but not in excess of \$100 per day, including traveltime; and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in Government service employed intermittently.

Compensation, travel expenses.

80 Stat. 499.

"(4) The Council is authorized, without regard to the civil service laws, to engage such technical assistance as may be required to carry out its functions, and to this end there are hereby authorized to be appropriated for the fiscal year ending June 30, 1969, \$100,000, and for the fiscal year ending June 30, 1970, and each of the two succeeding fiscal years, \$150,000.

Technical assistance, appropriation.

"(5) The National Council shall review the possible duplication of vocational education programs at the postsecondary and adult levels within geographic areas, and shall make annual reports of the extent to which such duplication exists, together with its findings and recommendations, to the Secretary. In making these reports, the Council shall seek the opinions of persons familiar with postsecondary and adult vocational education in each State from schools, junior colleges, technical institutes, and other institutions of higher education, as well as from State boards of education, State junior college boards, and State boards of higher education, and persons familiar with area schools, labor, business and industry, accrediting commissions, proprietary institutions, and manpower programs.

Vocational programs. Review, reports.

"(b) (1) Any State which desires to receive a grant under this title for any fiscal year shall establish a State advisory council, which shall be appointed by the Governor or, in the case of States in which the members of the State board are elected, by such board, and which shall—

State advisory council.

"(A) include as members a person or persons—

Membership.

"(i) familiar with the vocational needs and the problems of management and labor in the State, and a person or persons representing State industrial and economic development agencies.

“(ii) representative of community and junior colleges and other institutions of higher education, area vocational schools, technical institutes, and postsecondary or adult education agencies or institutions, which may provide programs of vocational or technical education and training,

“(iii) familiar with the administration of State and local vocational education programs, and a person or persons having special knowledge, experience, or qualifications with respect to vocational education and who are not involved in the administration of State or local vocational education programs,

“(iv) familiar with programs of technical and vocational education, including programs in comprehensive secondary schools,

“(v) representative of local educational agencies, and a person or persons who are representative of school boards,

“(vi) representative of manpower and vocational education agencies in the State, including a person or persons from the Comprehensive Area Manpower Planning System of the State,

“(vii) representing school systems with large concentrations of academically, socially, economically, and culturally disadvantaged students,

“(viii) having special knowledge, experience, or qualifications, with respect to the special educational needs of physically or mentally handicapped persons, and

“(ix) representative of the general public, including a person or persons representative of and knowledgeable about the poor and disadvantaged, who are not qualified for membership under any of the preceding clauses of this paragraph;

Duties.

“(B) advise the State board on the development of and policy matters arising in the administration of the State plan submitted pursuant to part B of this title, including the preparation of long-range and annual program plans pursuant to paragraphs (4) and (5) of section 123(a);

“(C) evaluate vocational education programs, services, and activities assisted under this title, and publish and distribute the results thereof; and

Report.

“(D) prepare and submit through the State board to the Commissioner and to the National Council an annual evaluation report, accompanied by such additional comments of the State board as the State board deems appropriate, which (i) evaluates the effectiveness of vocational education programs, services, and activities carried out in the year under review in meeting the program objectives set forth in the long-range program plan and the annual program plan provided for in paragraphs (4) and (5) of section 123(a), and (ii) recommends such changes in such programs, services, and activities as may be warranted by the evaluations.

Certification.

“(2) Not less than ninety days prior to the beginning of any fiscal year ending after June 30, 1969, in which a State desires to receive a grant under this title, that State shall certify the establishment of, and membership of, its State Advisory Council to the Commissioner.

Meetings.

“(3) Each State Advisory Council shall meet within thirty days after certification has been accepted by the Commissioner and select from among its membership a chairman. The time, place, and manner of meeting shall be as provided by the rules of the State Advisory Council, except that such rules must provide for not less than one public meeting each year at which the public is given opportunity to express views concerning vocational education.

“(4) State Advisory Councils are authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable them to carry out their functions under this title and to contract for such services as may be necessary to enable them to carry out their evaluation functions.

Consultants.

“(c) From the sums appropriated pursuant to section 102(c) for any fiscal year, the Commissioner is authorized (in accordance with regulations) to pay to each State Advisory Council an amount equal to the reasonable amounts expended by it in carrying out its functions under this title in such fiscal year, except that the amount available for such purpose shall be equal to 1 per centum of the State's allotment under section 103, but such amount shall not exceed \$150,000 and shall not be less than \$50,000.

Compensation,
limitation.

“FEDERAL ADMINISTRATION

“SEC. 105. Nothing contained in this title shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system.

“LABOR STANDARDS

“SEC. 106. All laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this title shall be paid wages at rates not less than those prevailing as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

49 Stat. 1011;
78 Stat. 238.64 Stat. 1267.
63 Stat. 108.

“LIMITATION ON PAYMENTS UNDER THIS TITLE

“SEC. 107. (a) Nothing contained in this title shall be construed to authorize the making of any payment under this title for religious worship or instruction, or for the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

“(b) Funds appropriated pursuant to this title may be used for residential vocational education schools only to the extent that the operation of such schools is consistent with general regulations of the Commissioner concerning the operation of such schools, but in no case may juveniles be assigned to such schools as the result of their delinquent conduct, and such facilities may not be used in such a manner as to result in racial segregation.

“DEFINITIONS

“SEC. 108. For the purposes of this title—

“(1) The term ‘vocational education’ means vocational or technical training or retraining which is given in schools or classes (including field or laboratory work and remedial or related academic and technical instruction incident thereto) under public supervision and control or under contract with a State board or local educational agency and is conducted as part of a program designed to prepare individuals for gainful employment as semiskilled or skilled workers or technicians or subprofessionals in recognized occupations and in new and emerging

occupations or to prepare individuals for enrollment in advanced technical education programs, but excluding any program to prepare individuals for employment in occupations which the Commissioner determines, and specifies by regulation, to be generally considered professional or which requires a baccalaureate or higher degree; and such term includes vocational guidance and counseling (individually or through group instruction) in connection with such training or for the purpose of facilitating occupational choices; instruction related to the occupation or occupations for which the students are in training or instruction necessary for students to benefit from such training; job placement; the training of persons engaged as, or preparing to become, teachers in a vocational education program or preparing such teachers to meet special education needs of handicapped students; teachers, supervisors, or directors of such teachers while in such a training program; travel of students and vocational education personnel while engaged in a training program; and the acquisition, maintenance, and repair of instructional supplies, teaching aids, and equipment, but such term does not include the construction, acquisition, or initial equipment of buildings or the acquisition or rental of land.

“(2) The term ‘area vocational education school’ means—

“(A) a specialized high school used exclusively or principally for the provision of vocational education to persons who are available for study in preparation for entering the labor market, or

“(B) the department of a high school exclusively or principally used for providing vocational education in no less than five different occupational fields to persons who are available for study in preparation for entering the labor market, or

“(C) a technical or vocational school used exclusively or principally for the provision of vocational education to persons who have completed or left high school and who are available for study in preparation for entering the labor market, or

“(D) the department or division of a junior college or community college or university which provides vocational education in no less than five different occupational fields, under the supervision of the State Board, leading to immediate employment but not necessarily leading to a baccalaureate degree,

if it is available to all residents of the State or an area of the State designated and approved by the State Board, and if, in the case of a school, department, or division described in (C) or (D), it admits as regular students both persons who have completed high school and persons who have left high school.

“(3) The term ‘school facilities’ means classrooms and related facilities (including initial equipment) and interests in lands on which such facilities are constructed. Such term shall not include any facility intended primarily for events for which admission is to be charged to the general public.

“(4) The term ‘construction’ includes construction of new buildings and acquisition, expansion, remodeling, and alteration of existing buildings, and includes site grading and improvement and architect fees.

“(5) The term ‘Commissioner’ means the Commissioner of Education, and the term ‘Secretary’ means the Secretary of Health, Education, and Welfare.

“(6) The term ‘handicapped’, when applied to persons, means persons who are mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crip-

pled or other health impaired persons who by reason thereof require special education and related services.

“(7) The term ‘State’ includes, in addition to the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

“(8) The term ‘State board’ means a State board designated or created by State law as the sole State agency responsible for the administration of vocational education, or for supervision of the administration thereof by local educational agencies, in the State.

“(9) The term ‘local educational agency’ means a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district, or political subdivision in a State, or any other public educational institution or agency having administrative control and direction of a vocational education program.

“(10) The term ‘high school’ does not include any grade beyond grade 12.

“(11) The term ‘private vocational training institution’ means a business or trade school, or technical institution or other technical or vocational school, in any State, which (A) admits as regular students only persons who have completed or left elementary or secondary school and who have the ability to benefit from the training offered by such institution; (B) is legally authorized to provide, and provides within that State, a program of postsecondary vocational or technical education designed to fit individuals for useful employment in recognized occupations; (C) has been in existence for two years or has been specially accredited by the Commissioner as an institution meeting the other requirements of this subsection; and (D) is accredited (i) by a nationally recognized accrediting agency or association listed by the Commissioner pursuant to this clause, or (ii) if the Commissioner determines that there is no nationally recognized accrediting agency or association qualified to accredit schools of a particular category, by a State agency listed by the Commissioner pursuant to this clause, or (iii) if the Commissioner determines that there is no nationally recognized or State agency or association qualified to accredit schools of a particular category, by an advisory committee appointed by him and composed of persons specially qualified to evaluate training provided by schools of that category, which committee shall prescribe the standards of content, scope, and quality which must be met by those schools and shall also determine whether particular schools meet those standards. For the purpose of this subsection, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations and State agencies which he determines to be reliable authority as to the quality of education or training afforded.

“(12) The term ‘Vocational Education Act of 1946’ means titles I, II, and III of the Act of June 9, 1936, as amended (20 U.S.C. 15i–15m, 15o–15q, 15aa–15jj, 15aaa–15ggg).

“(13) The term ‘supplementary vocational education Acts’ means section 1 of the Act of March 3, 1931 (20 U.S.C. 30) (relating to vocational education in Puerto Rico), the Act of March 18, 1950 (20 U.S.C. 31–33) (relating to vocational education in the Virgin Islands), and section 9 to the Act of August 1, 1956 (20 U.S.C. 34) (relating to vocational education in Guam).

60 Stat. 775;
70 Stat. 925;
72 Stat. 1598.
46 Stat. 1489.

64 Stat. 27.
70 Stat. 909.

“PART B—STATE VOCATIONAL EDUCATION PROGRAMS

“AUTHORIZATION OF GRANTS

“SEC. 121. From the sums made available for grants under this part pursuant to sections 102 and 103, the Commissioner is authorized to make grants to States to assist them in conducting vocational education programs for persons of all ages in all communities of the States, which are designed to insure that education and training programs for career vocations are available to all individuals who desire and need such education and training.

“USES OF FEDERAL FUNDS

“SEC. 122. (a) Grants to States under this part may be used, in accordance with State plans approved pursuant to section 123, for the following purposes:

“(1) vocational education programs for high school students, including such programs which are designed to prepare them for advanced or highly skilled postsecondary vocational and technical education;

“(2) vocational education for persons who have completed or left high school and who are available for study in preparation for entering the labor market;

“(3) vocational education for persons (other than persons who are receiving training allowances under the Manpower Development and Training Act of 1962 (Public Law 87-415), the Area Redevelopment Act (Public Law 87-27), or the Trade Expansion Act of 1962 (Public Law 87-794)) who have already entered the labor market and who need training or retraining to achieve stability or advancement in employment;

“(4) (A) vocational education for persons (other than handicapped persons defined in section 108(6)) who have academic, socioeconomic, or other handicaps that prevent them from succeeding in the regular vocational education program;

“(B) vocational education for handicapped persons who because of their handicapping condition cannot succeed in the regular vocational education program without special educational assistance or who require a modified vocational education program;

“(5) construction of area vocational education school facilities;

“(6) vocational guidance and counseling designed to aid persons enumerated in paragraphs (1) through (4) of this subsection in the selection of, and preparation for, employment in all vocational areas;

“(7) provision of vocational training through arrangements with private vocational training institutions where such private institutions can make a significant contribution to attaining the objectives of the State plan, and can provide substantially equivalent training at a lesser cost, or can provide equipment or services not available in public institutions; and

“(8) ancillary services and activities to assure quality in all vocational education programs, such as teacher training and supervision, program evaluation, special demonstration and experimental programs, development of instructional materials, and improved State administration and leadership, including periodic evaluation of State and local vocational education programs and services in light of information regarding current and projected manpower needs and job opportunities.

76 Stat. 23.
42 USC 2571
note.

75 Stat. 47.
42 USC 2501
note.

76 Stat. 872.
19 USC 1801
note.

“(b) In addition to the uses of funds specified in subsection (a), funds appropriated pursuant to section 102(c) and paid to a State for the following purpose by the Commissioner may be used for—

- “(1) the development of the State plan;
- “(2) State administration of the State plan, including obtaining information regarding current and projected manpower needs and job opportunities; and
- “(3) the evaluations required under this title and the dissemination of the results thereof.

“(c) (1) At least 25 per centum of that portion of each State's allotment of funds appropriated under section 102(a) for any fiscal year beginning after June 30, 1969, which is in excess of its base allotment shall be used only for the purpose set forth in paragraph (4) (A) of subsection (a): *Provided*, That for any such fiscal year the amount used for such purpose shall not be less than 15 per centum of the total allotment of such funds for each State, except as any requirement under this paragraph may be waived for any State by the Commissioner for any fiscal year upon his finding that the requirement imposes a hardship or is impractical in its application.

“(2) At least 25 per centum of that portion of each State's allotment of funds appropriated under section 102(a) for any fiscal year beginning after June 30, 1969, which is in excess of its base allotment shall be used only for the purpose set forth in paragraph (2) of subsection (a): *Provided*, That for any such fiscal year the amount used for such purpose shall not be less than 15 per centum of the total allotment of such funds for each State, except as any requirement under this paragraph may be waived for any State by the Commissioner for any fiscal year upon his finding that the requirement imposes a hardship or is impractical in its application.

“(3) At least 10 per centum of each State's allotment of funds appropriated under section 102(a) for any fiscal year beginning after June 30, 1969, shall be used only for the purpose set forth in paragraph 4(B) of subsection (a).

“(4) As used in this subsection, the term ‘base allotment’ means the sum of the allotments to a State for the fiscal year ending June 30, 1969, from (1) sums appropriated under section 102(a) of this Act, (2) the Smith-Hughes Act (that is, the Act approved February 23, 1917 (39 Stat. 929; 20 U.S.C. 11-15, 16-28)), (3) the Vocational Education Act of 1946, and (4) any of the supplementary vocational educational Acts (including, in the case of American Samoa, section 2 of the Act of September 25, 1962, 48 U.S.C. 1667).

“Base allotment.”

Ante, p. 1071.

76 Stat. 586.

“STATE PLANS

“SEC. 123. (a) Any State desiring to receive the amount for which it is eligible for any fiscal year pursuant to this title shall submit a State plan at such time, in such detail, and containing such information as the Commissioner deems necessary, which meets the requirements set forth in this title. The Commissioner shall approve a plan submitted by a State if he determines that the plan submitted for that year—

“(1) has been prepared in consultation with the State advisory council for that State;

“(2) designates the State board as the sole agency for administration of the State plan, or for supervision of the administration thereof by local educational agencies;

“(3) has been submitted only after the State board (A) has given reasonable notice, and afforded a reasonable opportunity for a public hearing, and (B) has implemented policies and procedures to insure that copies of the State plan and all statements of

general policies, rules, regulations, and procedures issued by the State board concerning the administration of such plan will be made reasonably available to the public;

“(4) sets forth a long-range program plan (or, as is appropriate, a supplement to, or revision of, a previously submitted long-range plan) for vocational education in the State, which program plan (A) has been prepared in consultation with the State advisory council, (B) extends over such period of time (but not more than five years or less than three years), beginning with the fiscal year for which the State plan is submitted, as the Commissioner deems necessary and appropriate for the purposes of this title, (C) describes the present and projected vocational education needs of the State in terms of the purposes of this title, and (D) sets forth a program of vocational education objectives which affords satisfactory assurance of substantial progress toward meeting the vocational education needs of the potential students in the State;

“(5) sets forth an annual program plan, which (A) has been prepared in consultation with the State advisory council, (B) describes the content of, and allocation of Federal and State vocational education funds to programs, services, and activities to be carried out under the State plan during the year for which Federal funds are sought (whether or not supported with Federal funds under this title), (C) indicates how and to what extent, such programs, services, and activities will carry out the program objectives set forth in the long-range program plan provided for in paragraph (4), and (D) indicates how, and to what extent, allocations of Federal funds allotted to the State will take into consideration the criteria set forth in the State plan pursuant to paragraph (6), and (E) indicates the extent to which consideration was given to the findings and recommendations of the State advisory council in its most recent evaluation report submitted pursuant to section 104;

“(6) sets forth in detail the policies and procedures to be followed by the State in the distribution of funds to local educational agencies in the State and for the uses of such funds, specified in paragraphs (1) through (8) of section 122(a), for the programs, services, and activities set forth in the program plans submitted pursuant to paragraphs (4) and (5), which policies and procedures assure that—

“(A) due consideration will be given to the results of periodic evaluations of State and local vocational education programs, services, and activities in the light of information regarding current and projected manpower needs and job opportunities, particularly new and emerging needs and opportunities on the local, State, and national levels,

“(B) due consideration will be given to the relative vocational education needs of all population groups in all geographic areas and communities in the State, particularly persons with academic, socioeconomic, mental, and physical handicaps that prevent them from succeeding in regular vocational education programs,

“(C) due consideration will be given to the relative ability of particular local educational agencies within the State, particularly those in economically depressed areas and those with high rates of unemployment, to provide the resources necessary to meet the vocational education needs in the areas or communities served by such agencies,

“(D) due consideration will be given to the cost of the programs, services, and activities provided by local educa-

tional agencies which is in excess of the cost which may be normally attributed to the cost of education in such local educational agencies,

“(E) funds made available under this title will not be allocated to local educational agencies in a manner, such as the matching of local expenditures at a percentage ratio uniform throughout the State, which fails to take into consideration the criteria set forth in paragraphs (A), (B), (C), and (D),

“(F) applications from local educational agencies for funds—

“(i) have been developed in consultation with representatives of the educational and training resources available to the area to be served by the applicant,

“(ii) are designed to provide the persons to be served with education programs which will make substantial progress toward preparing such persons for a career,

“(iii) include assurances of adequate planning to meet the vocational education needs of potential students in the area or community served by such agency, and,

“(iv) include a plan, related to the appropriate comprehensive area manpower plan (if any), for meeting the vocational education needs in the area or community served by such agency; and

“(v) indicate how, and to what extent the vocational education programs, services, and activities proposed in the application will meet the needs set forth pursuant to clause (iii); and

“(G) no local educational agency which is making a reasonable tax effort, as defined by regulations, will be denied funds for the establishment of new vocational education programs solely because the local educational agency is unable to pay the non-Federal share of the cost of such new programs;

“(7) provides minimum qualification for teachers, teacher-trainees, supervisors, directors, and other personnel having responsibilities for vocational education in the State and the policies and procedures developed to improve the qualifications of such personnel and to insure that such qualifications continue to reflect a direct relationship with the need for personnel in vocational education programs carried out under the State plan;

“(8) provides for entering into cooperative arrangements with the system of public employment offices in the State approved by the State board and by the State head of such system, looking toward such offices making available to the State board and local educational agencies occupational information regarding reasonable prospects of employment in the community and elsewhere, and toward consideration of such information by such board and agencies in providing vocational guidance and counseling to students and prospective students and in determining the occupations for which persons are to be trained; and looking toward guidance and counseling personnel of the State board and local educational agencies making available to public employment offices information regarding the occupational qualifications of persons leaving or completing vocational education courses or schools, and toward consideration of such information by such offices in the occupational guidance and placement of such persons;

“(9) provides that in the development of vocational education programs, services and activities under this title, there may be,

in addition to the cooperative arrangements provided for in paragraph (8), cooperative arrangements with other agencies, organizations, and institutions concerned with manpower needs and job opportunities, such as institutions of higher education, and model city, business, labor, and community action organizations;

“(10) provides that effective use will be made of the results and experience of programs and projects assisted under other parts of this title;

“(11) provides assurance that Federal funds made available under this part will be so used as to supplement, and to the extent practical, increase the amount of State and local funds that would in the absence of such Federal funds be made available for the uses set forth in section 122(a), so that all persons in all communities of the State will as soon as possible have ready access to vocational training suited to their needs, interests, and ability to benefit therefrom, and in no case supplant such State or local funds;

“(12) sets forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State (including such funds paid by the State to local educational agencies) under this title;

“(13) provides that any local educational agency dissatisfied with final action with respect to any application for funds under this title shall be given reasonable notice and opportunity for a hearing;

“(14) provides assurance that the requirements of section 106 will be complied with on all construction projects in the State assisted under this title;

“(15) provides for compliance with the requirements with respect to the use of funds set forth in section 122(c);

“(16) provides that grants made from sums appropriated under section 102(b) shall (A) be allocated within the State to areas of high concentration of youth unemployment and school dropouts, and (B) be made only if (i) to the extent consistent with the number of students enrolled in nonprofit private schools in the area to be served whose educational needs are of the type which the program or project involved is to meet, provision has been made for the participation of such students, and (ii) effective policies and procedures will be adopted which assure that Federal funds made available under this section to accommodate students in nonprofit private schools will not be commingled with State or local funds;

“(17) provides for making such reports in such form and containing such information as the Commissioner may reasonably require to carry out his functions under this title, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports; and

“(18) includes provisions which shall assure that funds authorized by this title will not be used for any program of vocational education (except homemaking programs under part F) which cannot be demonstrated to (A) prepare students for employment or (B) be necessary to prepare individuals for successful completion of such a program, or (C) be of significant assistance to individuals enrolled in making an informed and meaningful occupational choice.

“(b) The Commissioner shall not approve a State plan under this section until he has made specific findings as to the compliance of such plan with the requirements of this part and he is satisfied that adequate

Reports; record-keeping.

procedures are set forth to insure that the assurances and provisions of such plan will be carried out.

“(c) (1) The Commissioner shall not finally disapprove any plan submitted under subsection (a), or any modification thereof, without first affording the State board submitting the plan reasonable notice and opportunity for a hearing.

“(2) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State board administering a State plan approved under subsection (a), finds that—

“(A) the State plan has been so changed that it no longer complies with the provisions of subsection (a), or

“(B) in the administration of the plan there is a failure to comply substantially with any such provision,

the Commissioner shall notify such State board that no further payments will be made to the State under this title (or, in his discretion, further payments to the State will be limited to programs under or portions of the State plan not affected by such failure) until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, the Commissioner shall make no further payments to such State under this title (or shall limit payments to programs under or portions of the State plan not affected by such failure).

“(3) A State board which is dissatisfied with a final action of the Commissioner under this subsection or subsection (b) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner, or any officer designated by him for that purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record the Commissioner may modify or set aside his action. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Commissioner's action.

Appeal procedure; judicial review.

72 Stat. 941;
80 Stat. 1323.

62 Stat. 928.

“(d) (1) If any local educational agency is dissatisfied with the final action of the State board with respect to approval of an application by such local agency for a grant pursuant to this title, such local agency may, within sixty days after such final action or notice thereof, whichever is later, file with the United States court of appeals for the circuit in which the State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the State board. The State board thereupon shall file in the court the record of the proceedings on which the State board based its action as provided in section 2112 of title 28, United States Code.

“(2) The findings of fact by the State board, if supported by substantial evidence shall be conclusive; but the court, for good cause

shown, may remand the case to the State board to take further evidence, and the State board may thereupon make new or modified findings of fact and may modify its previous action, and shall certify to the court the record of the further proceedings.

“(3) The court shall have jurisdiction to affirm the action of the State board or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

62 Stat. 928.

“PAYMENTS TO STATES

“SEC. 124. (a) The Commissioner shall pay, from the amount available to the State for grants under this part, to each State an amount equal to 50 per centum of the State and local expenditures in carrying out its State plan as approved pursuant to section 123, except that—

“(1) allotments of States under section 103 from sums appropriated under section 102(b) may be used, at the discretion of the Commissioner, for paying all or part of the expenditures of the States from such allotments; and

“(2) in the case of the Trust Territory of the Pacific Islands and American Samoa, such amount shall be equal to 100 per centum of such expenditures.

“(b) Payments under this title may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

“(c) No payments shall be made in any fiscal year under this title to any local educational agency or to any State unless the Commissioner finds, in the case of a local educational agency, that the combined fiscal effort of that agency and the State with respect to the provision of vocational education by that agency for the preceding fiscal year was not less than such combined fiscal effort for that purpose for the second preceding fiscal year or, in the case of a State, that the fiscal effort of that State for vocational education in that State for the preceding fiscal year was not less than such fiscal effort for vocational education for the second preceding fiscal year.

“PART C—RESEARCH AND TRAINING IN VOCATIONAL EDUCATION

“AUTHORIZATION OF GRANTS AND CONTRACTS

“SEC. 131. (a) From 50 per centum of the sums available to each State for the purposes of this part the Commissioner is authorized to make grants to and contracts with institutions of higher education, public and private agencies and institutions, State boards, and, with the approval of the appropriate State board, to local educational agencies in that State for the purposes set forth in section 132, except that no grant may be made other than to a nonprofit agency or institution.

“(b) The remaining 50 per centum of the sums available to each State for the purposes of this part shall be used by its State board, in accordance with its State plan, (1) for paying up to 75 per centum of the costs of the State research coordination unit, and (2) for grants to colleges and universities, and other public or nonprofit private agencies and institutions, and local educational agencies and contracts with private agencies, organizations, and institutions to pay 90 per centum of the costs of programs and projects for (i) research and training programs, (ii) experimental, developmental, or pilot programs developed by such institutions and agencies and designed to meet the special vocational needs of youths, particularly youths in economically depressed communities who have academic, socioeconomic,

or other handicaps that prevent them from succeeding in the regular vocational education programs, and (iii) the dissemination of information derived from the foregoing programs or from research and demonstrations in the field of vocational education, which programs and projects have been recommended by the State research coordination unit or by the State advisory council.

“USES OF FEDERAL FUNDS

“SEC. 132. The funds available for grants and contracts under section 131(a) may be used for—

- “(1) research in vocational education;
- “(2) training programs designed to familiarize persons involved in vocational education with research findings and successful pilot and demonstration projects in vocational education;
- “(3) experimental, developmental, and pilot programs and projects designed to test the effectiveness of research findings;
- “(4) demonstration and dissemination projects;
- “(5) the development of new vocational education curricula; and
- “(6) projects in the development of new careers and occupations, such as—

“(A) research and experimental projects designed to identify new careers in such fields as mental and physical health, crime prevention and correction, welfare, education, municipal services, child care, and recreation requiring less training than professional positions and to delineate within such careers roles with the potential for advancement from one level to another;

“(B) training and development projects designed to demonstrate improved methods of securing the involvement, cooperation, and commitment of both the public and private sectors toward the end of achieving greater coordination and more effective implementation of programs for the employment of persons in the fields described in subparagraph (A), including programs to prepare professionals (including administrators) to work effectively with aides; and

“(C) projects to evaluate the operation of programs for the training, development, and utilization of public service aides, particularly their effectiveness in providing satisfactory work experiences and in meeting public needs.

“APPLICATIONS

“SEC. 133. (a) A grant or contract under section 131(a) may be made upon application to the Commissioner at such time or times, in such manner, and containing, or accompanied by, such information as the Commissioner deems necessary. Such application shall contain—

- “(1) a description of the nature, duration, purpose, and plan of the project;
- “(2) the qualifications of the principal staff who will be responsible for the project;
- “(3) a justification of the amount of grant funds requested;
- “(4) the portion of the cost to be borne by the applicant; and
- “(5) such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant.

“(b) The Commissioner may not approve an application until such application has been reviewed by a panel of experts who are not employees of the Federal Government.

“PAYMENTS

“SEC. 134. From the amount available for grants or contracts under section 131(a), the Commissioner shall pay to each applicant part of the amount expended by such applicant in accordance with the application approved pursuant to section 133.

“PART D—EXEMPLARY PROGRAMS AND PROJECTS

“FINDINGS AND PURPOSE

“SEC. 141. The Congress finds that it is necessary to reduce the continuing seriously high level of youth unemployment by developing means for giving the same kind of attention as is now given to the college preparation needs of those young persons who go on to college, to the job preparation needs of the two out of three young persons who end their education at or before completion of the secondary level, too many of whom face long and bitter months of job hunting or marginal work after leaving school. The purposes of this part, therefore, are to stimulate, through Federal financial support, new ways to create a bridge between school and earning a living for young people, who are still in school, who have left school either by graduation or by dropping out, or who are in postsecondary programs of vocational preparation, and to promote cooperation between public education and manpower agencies.

“AUTHORIZATION OF GRANTS AND CONTRACTS

Appropriations.

“SEC. 142. (a) There are hereby authorized to be appropriated \$15,000,000 for the fiscal year ending June 30, 1969, \$57,500,000 for the fiscal year ending June 30, 1970, and \$75,000,000 for each of the two succeeding fiscal years to enable the Commissioner to carry out the provisions of this part.

“(b)(1) From the sums appropriated pursuant to this part the Commissioner shall reserve such amount, but not in excess of 3 per centum thereof, as he may determine and shall allot such amount among Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territories of the Pacific Islands according to their respective needs for assistance under this part.

State allotments.

“(2) From the remainder of such sums the Commissioner shall allocate \$200,000 to each State (except for those provided for in paragraph (1)), and he shall in addition allocate to each such State an amount which bears the same ratio to any residue of such remainder as the population aged fifteen to nineteen, both inclusive, in the State bears to the population of such ages in all such States.

“(c) From 50 per centum of the sums allotted to each State for the purposes of this part, the Commissioner is authorized to make grants to or contracts with State boards or local educational agencies for the purpose of stimulating and assisting in the development, establishment, and operation of programs or projects designed to carry out the purposes of this part. The Commissioner also may make, in such State from such sums, grants to other public or nonprofit private agencies, organizations, or institutions, or contracts with public or private agencies, organizations, or institutions, when such grants or contracts will make an especially significant contribution to attaining the objectives of this part.

“(d) The State board may use the remaining 50 per centum of such sums for making grants to local educational agencies or other public or nonprofit private agencies, organizations, or institutions, or contracts with public or private agencies, organizations, or institutions

including business and industrial concerns, upon such terms and conditions consistent with the provisions of this part and with its State plan approved pursuant to section 123, as it determines will most effectively carry out the development, establishment, and operation of exemplary and innovative occupational education programs or projects designed to serve as models for use in vocational education programs.

“USES OF FUNDS

“SEC. 143. (a) Grants or contracts pursuant to this part may be made, upon terms and conditions consistent with the provisions of this part, to pay all or part of the cost of—

“(1) planning and developing exemplary programs or projects such as those described in paragraph (2), or

“(2) establishing, operating, or evaluating exemplary programs or projects designed to carry out the purposes set forth in section 141, and to broaden occupational aspirations and opportunities for youths, with special emphasis given to youths who have academic, socioeconomic, or other handicaps, which programs or projects may, among others, include—

“(A) those designed to familiarize elementary and secondary school students with the broad range of occupations for which special skills are required and the requisites for careers in such occupations;

“(B) programs or projects for students providing educational experiences through work during the school year or in the summer;

“(C) programs or projects for intensive occupational guidance and counseling during the last years of school and for initial job placement;

“(D) programs or projects designed to broaden or improve vocational education curriculums;

“(E) exchanges of personnel between schools and other agencies, institutions, or organizations participating in activities to achieve the purposes of this part, including manpower agencies and industry;

“(F) programs or projects for young workers released from their jobs on a part-time basis for the purpose of increasing their educational attainment; and

“(G) programs or projects at the secondary level to motivate and provide preprofessional preparation for potential teachers for vocational education.

“(b)(1) A grant or contract pursuant to this part may be made only if the Commissioner is in the case of grants or contracts made by him, or the State board, in the case of grants or contracts made by it, determines—

“(A) that effective procedures will be adopted by grantees and contractors to coordinate the development and operation of other programs and projects carried out under grants or contracts pursuant to this part, with the appropriate State plan, and with other public and private programs having the same or similar purposes;

“(B) that to the extent consistent with the number of students enrolled in nonprofit private schools in the area to be served whose educational needs are of the type which the program or project involved is to meet, provision has been made for the participation of such students; and

“(C) that effective policies and procedures will be adopted which assure that Federal funds made available under this part will not be commingled with State or local funds.

"(2) The amount available to a State pursuant to section 142(d) shall be available for obligation for grants or contracts pursuant to the State plan approved under section 123, for paying all of the cost of programs described in section 142(d) and section 143(a) during that year and the succeeding fiscal year.

"(3) No grant or contract (other than a grant or contract with a State board) shall be made by the Commissioner under section 142(c) with respect to any program or project unless such program or project has been submitted to the State board in the State in which it is to be conducted and has not been disapproved by the State board within sixty days of such submission or within such longer period of time as the Commissioner may determine pursuant to regulations.

"(4) Notwithstanding any other provision of law, unless hereafter enacted expressly in limitation of the provisions of this paragraph, funds available to Commissioner pursuant to section 142(c) shall remain available until expended.

"PAYMENTS

"SEC. 144. From the amount available for grants and contracts, under this part pursuant to section 142(c), in the appropriate State, the Commissioner shall pay to each applicant an amount equal to the amount expended by such applicant in accordance with the approved application. Such payment may be made on such terms as are approved in such application. Payment pursuant to grants under this part may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Commissioner may determine.

"LIMITATION ON DURATION OF ASSISTANCE

"SEC. 145. Financial assistance may not be given under this part to any program or project for a period exceeding three years.

"PART E—RESIDENTIAL VOCATIONAL EDUCATION

"DEMONSTRATION SCHOOLS

"SEC. 151. (a) For the purpose of demonstrating the feasibility and desirability of residential vocational education schools for certain youths of high school age, the Commissioner is authorized to make grants, out of sums appropriated pursuant to subsection (b) to State boards, to colleges and universities, and with the approval of the appropriate State board, to public educational agencies, organizations or institutions for the construction, equipment, and operation of residential schools to provide vocational education (including room, board, and other necessities) for youths, at least fifteen years of age and less than twenty-one years of age at the time of enrollment, who need full-time study on a residential basis in order to benefit fully from such education. In making such grants, the Commissioner shall give special consideration to the needs of large urban areas having substantial numbers of youths who have dropped out of school or are unemployed and shall seek to attain, as nearly as practicable in the light of the purposes of this section, an equitable geographical distribution of such schools.

Urban areas.

Appropriation.

"(b) There are authorized to be appropriated for the purpose of this section \$25,000,000 for the fiscal year ending June 30, 1969, \$30,000,000 for the fiscal year ending June 30, 1970, and \$35,000,000 each for the fiscal year ending June 30, 1971, and for the succeeding fiscal year.

"STATE PROGRAMS

"SEC. 152. (a) (1) There are hereby authorized to be appropriated \$15,000,000 for the fiscal year ending June 30, 1969, and \$15,000,000 for the fiscal year ending June 30, 1970, for grants to the States to provide residential vocational education facilities in accordance with the provisions of this section.

Appropriation.

"(2) From the sums appropriated under paragraph (1), the Commissioner shall allot to each State an amount which bears the same ratio to such sums as the population of each State bears to the population of all the States.

State allotments.

"(3) For purposes of this section—

"(A) the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"State."

"(B) the amount allotted under this subsection to any State for the fiscal year ending June 30, 1969, shall be available for payments to applicants with approved applications in that State during that year and the next fiscal year; and

"(C) the amount of any State's allotment under subsection (a) (2) for any fiscal year, which the Commissioner determines will not be required for such fiscal year for carrying out the State's plan approved under subsection (b), shall be available for reallocation from time to time, on such dates during such year as the Commissioner may fix, and on the basis of such factors as he determines to be equitable and reasonable, to other States which as determined by the Commissioner are able to use without delay any amounts so reallocated for the purposes set forth in subsection (b). Any amount reallocated to a State under this paragraph during such year shall be deemed part of its allotment for such year.

"(b) (1) Funds allotted to the States under subsection (a) shall be used by the State, or, with the approval of the State boards, by public educational agencies, organizations, or institutions within such State, to pay the Federal share of the cost of planning, constructing, and operating residential vocational education facilities to provide vocational education (including room, board, and other necessities) for youths, at least age fourteen but who have not attained age twenty-one at the time of admission to the training program, who need full-time study on a residential basis and who can profit from vocational education instruction. In the administration of the program conducted under this section, special consideration shall be given to needs in geographical areas having substantial or disproportionate numbers of youths who have dropped out of school or are unemployed, and to serving persons from such areas.

"(2) For purposes of this section, the Federal share of the cost of planning, constructing, and operating residential vocational education facilities shall not exceed 90 per centum of the costs incurred in any fiscal year.

Costs, Federal share.

"(c) For purposes of this section the State plan approved under section 123 shall set forth the policies and procedures to be used by the State in determining the size and location of such residential vocational facilities, taking into account the use of existing vocational education facilities. Such policies and procedures must give assurance that—

Policies and procedures.

"(1) adequate provision will be made for the appropriate selection without regard to sex, race, color, religion, national origin or place of residence within the State of students needing education and training at such school;

"(2) the residential school facility will be operated and maintained for the purpose of conducting a residential vocational education school program;

"(3) vocational course offerings at such school will include fields for which available labor market analyses indicate a present or continuing need for trained manpower, and that the courses offered will be appropriately designed to prepare enrollees for entry into employment or advancement in such fields; and

"(4) no fees, tuition, or other charges will be required of students who occupy the residential vocational education facility.

"(d) For purposes of this section—

"Residential school facility."

"(1) the term 'residential school facility' means a school facility (as defined in section 108(3)), used for residential vocational education purposes. Such term also includes dormitory, cafeteria, and recreational facilities, and such other facilities as the Commissioner determines are appropriate for a residential vocational education school,

"Operation."

"(2) the term 'operation' means maintenance and operation, and includes the cost of salaries, equipment, supplies, and materials, and may include but is not limited to other reasonable costs of services and supplies needed by residential students, such as clothing and transportation.

"GRANTS TO REDUCE BORROWING COSTS FOR SCHOOLS AND DORMITORIES

"SEC. 153. (a) The Commissioner is authorized to make annual grants to State boards, to colleges and universities, and with the approval of the appropriate State board, to public educational agencies, organizations, or institutions to reduce the cost of borrowing funds for the construction of residential schools and dormitories to provide vocational education for youths, at least fourteen years of age and less than twenty-one years of age at the time of enrollment, who need full-time study on a residential basis in order to benefit fully from such education. In making contracts for such grants, the Commissioner shall give special consideration to the needs of urban and rural areas having substantial numbers of youths who have dropped out of school or are unemployed and shall seek to attain an equitable geographical distribution of such schools.

"(b) Annual grants with respect to the construction of any such residential school shall be made over a fixed period not exceeding forty years, and provision for such grants shall be embodied in a contract guaranteeing their payment over such period. Each such grant shall be in an amount equal to the difference between (1) the average annual debt service required to be paid, during the life of the loan, on the amount borrowed for the construction of such facilities, and (2) the average annual debt service which the institution would be required to pay, during the life of the loan, with respect to such amounts if the applicable interest rate were 3 per centum per annum.

"(c) The Commissioner shall not enter into a contract for grants under this section unless he determines that the amount borrowed does not exceed the total cost of construction of the facilities, and that such construction will be undertaken in an economical manner and will not be of elaborate or extravagant design or materials.

Appropriation authorization.

"(d) (1) There are hereby authorized to be appropriated such sums as may be necessary for the payment of annual grants in accordance with this section.

Limitation.

"(2) Contracts for annual grants under this section shall not be entered into for an aggregate amount greater than is authorized in appropriation Acts; and in any event the total amount of annual grants which may be paid in any year pursuant to contracts entered into under this section shall not exceed \$5,000,000, which amount shall be increased by \$5,000,000 on July 1, 1969.

"PART F—CONSUMER AND HOMEMAKING EDUCATION

"AUTHORIZATION

"SEC. 161. (a) (1) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1970, \$25,000,000, for the fiscal year ending June 30, 1971, \$35,000,000, and for the fiscal year ending June 30, 1972, \$50,000,000, for the purposes of this part. From the sums appropriated pursuant to this paragraph for each fiscal year, the Commissioner shall allot to each State an amount which shall be computed in the same manner as allotments to States under section 103 except that, for the purposes of this section, there shall be no reservation of 10 per centum of such sums for research and training programs and 100 per centum of the amount appropriated pursuant to this section shall be allotted among the States.

Appropriation.

State allotments,
computation.

"(2) The amount of any State's allotment under paragraph (1) for any fiscal year which the Commissioner determines will not be required for such fiscal year for carrying out the part of the State's plan approved under subsection (b) shall be available for reallocation from time to time, on such dates during such year as the Commissioner may fix, and on the basis of such factors as he determines to be equitable and reasonable, to other States which, as determined by the Commissioner, are able to use without delay any amounts so reallocated for the purposes set forth in subsection (b). Any amount reallocated to a State under this paragraph during such year shall be deemed part of its allotment for such year.

Purposes.

"(b) For purposes of this part the State plan approved under section 123 shall set forth a program under which Federal funds paid to a State from its allotment under subsection (a) will be expended solely for (1) educational programs which (A) encourage home economics to give greater consideration to social and cultural conditions and needs, especially in economically depressed areas, (B) encourage preparation for professional leadership, (C) are designed to prepare youths and adults for the role of homemaker, or to contribute to the employability of such youths and adults in the dual role of homemaker and wage earner, (D) include consumer education programs, and (E) are designed for persons who have entered, or are preparing to enter, the work of the home, and (2) ancillary services, activities and other means of assuring quality in all homemaking education programs, such as teacher training and supervision, curriculum development research, program evaluation, special demonstration and experimental programs, development of instructional materials, provision of equipment, and State administration and leadership.

"(c) From a State's allotment under this section for the fiscal year ending June 30, 1970, and for each fiscal year thereafter, the Commissioner shall pay to such State an amount equal to 50 per centum of the amount expended for the purposes set forth in subsection (b), except that, for the fiscal year ending June 30, 1970, and the two succeeding fiscal years, the Commissioner shall pay an amount equal to 90 per centum of the amount used in areas described in subsection (d). No State shall receive payments under this section for any fiscal year in excess of its allotment under subsection (a) for such fiscal year.

"(d) At least one-third of the Federal funds made available under this section shall be used in economically depressed areas or areas with high rates of unemployment for programs designed to assist consumers and to help improve home environments and the quality of family life.

Programs for
economically de-
pressed areas.

"PART G—COOPERATIVE VOCATIONAL EDUCATION PROGRAMS

"FINDINGS AND PURPOSE

"SEC. 171. The Congress finds that cooperative work-study programs offer many advantages in preparing young people for employment. Through such programs, a meaningful work experience is combined with formal education enabling students to acquire knowledge, skills, and appropriate attitudes. Such programs remove the artificial barriers which separate work and education and, by involving educators with employers, create interaction whereby the needs and problems of both are made known. Such interaction makes it possible for occupational curricula to be revised to reflect current needs in various occupations. It is the purpose of this part to assist the State to expand cooperative work-study programs by providing financial assistance for personnel to coordinate such programs, and to provide instruction related to the work experience; to reimburse employers when necessary for certain added costs incurred in providing on-the-job training through work experience; and to pay costs for certain services, such as transportation of students or other unusual costs that the individual students may not reasonably be expected to assume while pursuing a cooperative work-study program.

"AUTHORIZATIONS AND ALLOTMENTS

Appropriation.

"SEC. 172. (a) There is authorized to be appropriated for the fiscal year ending June 30, 1969, \$20,000,000, for the fiscal year ending June 30, 1970, \$35,000,000, for the fiscal year ending June 30, 1971, \$50,000,000, and for the fiscal year ending June 30, 1972, \$75,000,000, for making grants to the States for programs of vocational education designed to prepare students for employment through cooperative work-study arrangements.

State and territorial allotments.

"(b) (1) From the sums appropriated pursuant to this section for each fiscal year, the Commissioner shall reserve such amount, but not in excess of 3 per centum thereof, as he may determine, and shall apportion such amount among Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, according to their respective needs for assistance under this section. From the remainder of such sums the Commissioner shall allocate \$200,000 to each State, and he shall in addition allocate to each State an amount which bears the same ratio to any residue of such remainder as the population aged fifteen to nineteen, both inclusive, in the State bears to the population of such ages in all the States. For purposes of the preceding sentence, the term 'State' does not include the areas referred to in the first sentence of this paragraph.

"State."

"(2) The amount of any State's allotment under this section for any fiscal year which the Commissioner determines will not be required for such fiscal year for carrying out the part of the State's plan approved under section 173 shall be available for reallocation from time to time, on such dates during such year as the Commissioner may fix, and on the basis of such factors as he determines to be equitable and reasonable, to other States which as determined by the Commissioner are able to use without delay any amounts so reallocated for the purposes set forth in section 173. Any amount reallocated to a State under this paragraph during such year shall be deemed part of its allotment for such year.

"(3) The population of particular age groups of a State or of all the States shall be determined by the Commissioner on the basis of the latest available estimates furnished by the Department of Commerce.

“PLAN REQUIREMENT

“SEC. 173. (a) A State, in order to participate in the program authorized by this part, shall submit, as part of its State plan, to the Commissioner, through its State board, a plan which shall set forth policies and procedures to be used by the State board in establishing cooperative work-study programs through local educational agencies with participation of public and private employers. Such policies and procedures must give assurance that—

“(1) funds will be used only for developing and operating cooperative work-study programs as defined in section 175 which provide training opportunities that may not otherwise be available and which are designed to serve persons who can benefit from such programs;

“(2) necessary procedures are established for cooperation with employment agencies, labor groups, employers, and other community agencies in identifying suitable jobs for persons who enroll in cooperative work-study programs;

“(3) provision is made for reimbursement of added costs to employers for on-the-job training of students enrolled in cooperative programs, provided such on-the-job training is related to existing career opportunities susceptible of promotion and advancement and does not displace other workers who perform such work;

“(4) ancillary services and activities to assure quality in cooperative work-study programs are provided for, such as pre-service and inservice training for teacher coordinators, supervision, curriculum materials, and evaluation;

“(5) priority for funding cooperative work-study programs through local educational agencies, is given to areas that have high rates of school dropouts and youth unemployment;

“(6) to the extent consistent with the number of students enrolled in nonprofit private schools in the area to be served, whose educational needs are of the type which the program or project involved is to meet, provision has been made for the participation of such students;

“(7) Federal funds made available under this part will not be commingled with State or local funds; and

“(8) such accounting, evaluation, and follow-up procedures as the Commissioner deems necessary will be provided.

“(b) The Commissioner shall approve such part of its State plan which fulfills the conditions specified above, and the provisions of part B (relating to the disapproval of State plans) shall apply to this section.

“USE OF FUNDS

“SEC. 174. Funds allocated under this part for cooperative work-study programs shall be available for paying all or part of the State's expenditures under its State plan for this part for any fiscal year, but not in excess of its allotment under section 172.

“DEFINITION

“SEC. 175. For purposes of this part, the term ‘cooperative work-study program’ means a program of vocational education for persons who, through a cooperative arrangement between the school and employers, receive instruction, including required academic courses and related vocational instruction by alternation of study in school with a job in any occupational field, but these two experiences must be planned and supervised by the school and employers so that each con-

tributes to the student's education and to his employability. Work periods and school attendance may be on alternate half-days, full-days, weeks, or other periods of time in fulfilling the cooperative work-study program.

**"PART H—WORK-STUDY PROGRAMS FOR VOCATIONAL EDUCATION
STUDENTS**

"AUTHORIZATION OF APPROPRIATIONS AND ALLOTMENT

"SEC. 181. (a) There are hereby authorized to be appropriated \$35,000,000 for each of the fiscal years ending June 30, 1969 and June 30, 1970 for the purposes of this part.

"(b) (1) From the sums appropriated pursuant to this section for each fiscal year, the Commissioner shall allot to each State an amount which bears the same ratio to such sums for such year as the population aged fifteen to twenty, inclusive, of the State, in the preceding fiscal year bears to the population aged fifteen to twenty, inclusive, of all the States in such preceding year.

"(2) The amount of any State's allotment under paragraph (1) for any fiscal year which the Commissioner determines will not be required for such fiscal year for carrying out the part of the State's plan approved pursuant to section 182 shall be available for reallocation from time to time, on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under paragraph (1) for such year, but with such proportionate amount for any such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year and the total of such reductions shall be similarly reallocated among the States not suffering such a reduction. Any amount reallocated to a State under this paragraph during such year shall be deemed part of its allotment for such year.

"PLAN REQUIREMENT

"SEC. 182. (a) To be eligible to participate in the program authorized by this part, a State shall submit as a part of its State plan through its State board to the Commissioner a plan, in such detail as the Commissioner determines necessary, which—

"(1) designates the State board as the sole agency for administration of the plan, or for supervision of the administration thereof by local educational agencies;

"(2) sets forth the policies and procedures to be followed by the State in approving work-study programs, under which policies and procedures funds paid to the State from its allotment under section 181 will be expended solely for the payment of compensation of students employed pursuant to work-study programs which meet the requirements of subsection (b), except that not to exceed 1 per centum of any such allotment, or \$10,000, whichever is the greater, may be used to pay the cost of developing the plan required by this section and the cost of administering such plan after its approval under this section;

"(3) sets forth principles for determining the priority to be accorded applications from local educational agencies for work-study programs, which principles shall give preference to applications submitted by local educational agencies serving communities having substantial numbers of youths who have dropped out of school or who are unemployed, and provides for undertaking such programs, insofar as financial resources available therefor make possible in the order determined by the application of such principles;

"(4) sets forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State (including such funds paid by the State to local educational agencies) under this part; and

"(5) provides for making such reports in such form and containing such information as the Commissioner may reasonably require to carry out his functions under this part, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

Reports; record-keeping.

"(b) For the purposes of this section, a work-study program shall—

"(1) be administered by the local educational agency and made reasonably available (to the extent of available funds) to all youths in the area served by such agency who are able to meet the requirements of paragraph (2);

"(2) provide that employment under such work-study program shall be furnished only to a student who (A) has been accepted for enrollment as a full-time student in a vocational education program which meets the standards prescribed by the State board and the local educational agency for vocational education programs assisted under this title, or in the case of a student already enrolled in such a program, is in good standing and in full-time attendance, (B) is in need of the earnings from such employment to commence or continue his vocational education program, and (C) is at least fifteen years of age and less than twenty-one years of age at the commencement of his employment, and is capable, in the opinion of the appropriate school authorities, of maintaining good standing in his vocational education program while employed under the work-study program;

Student eligibility.

"(3) provide that no student shall be employed under such work-study program for more than fifteen hours in any week in which classes in which he is enrolled are in session, or for compensation which exceeds \$45 in any month or \$350 in any academic year or its equivalent, unless the student is attending a school which is not within reasonable commuting distance from his home, in which case his compensation may not exceed \$60 in any month or \$500 in any academic year or its equivalent;

Work week, compensation; limitations.

"(4) provide that employment under such work-study program shall be for the local educational agency or for some other public agency or institution; and

"(5) provide that, in each fiscal year during which such program remains in effect, such agency shall expend (from sources other than payments from Federal funds under this section) for the employment of its students (whether or not in employment eligible for assistance under this section) an amount that is not less than its average annual expenditure for work-study programs of a similar character during the three fiscal years preceding the fiscal year in which its work-study program under this section is approved.

"(c) The provisions of part B shall be applicable to the Commissioner's actions with respect to plans submitted under this section.

"PAYMENTS

"SEC. 183. (a) From a State's allotment under this section for the fiscal year ending June 30, 1969, and for the fiscal year ending June 30, 1970, the Commissioner shall pay to such State an amount equal to 80 per centum of (1) the amount expended for compensation of students employed pursuant to work-study programs under the part of the

State's plan approved under section 182, plus (2) an amount, not to exceed 1 per centum of such allotment, or \$10,000, whichever is the greater, expended for the development of such plan and for the administration of such plan after its approval by the Commissioner. No State shall receive payments under this section for any fiscal year in excess of its allotment under section 181 for such fiscal year.

"(b) Such payments (adjusted on account of overpayments or underpayments previously made) shall be made by the Commissioner in advance on the basis of such estimates, in such installments, and at such times, as may be reasonably required for expenditures by the States of the funds allotted under section 181.

"STATUS OF PARTICIPANTS

"SEC. 184. Students employed in work-study programs under this part shall not by reason of such employment be deemed employees of the United States, or their service Federal service, for any purpose.

"PART I—CURRICULUM DEVELOPMENT IN VOCATIONAL AND TECHNICAL EDUCATION

"AUTHORIZATION

"SEC. 191. (a) The Congress finds that curriculum development in vocational education is complicated by the diversity of occupational objectives; variations due to geography; differences in educational levels and types of programs; and by the wide range of occupations which includes, but is not limited to, agriculture, food processing and preparation, trades and industry, distribution and marketing, technical, public service, health services, business, and office occupations. It is therefore the purpose of this section to enable the Commissioner to provide appropriate assistance to State and local educational agencies in the development of curriculums for new and changing occupations, and to coordinate improvements in, and dissemination of, existing curriculum materials.

Appropriation.

"(b) There are authorized to be appropriated \$7,000,000 for the fiscal year ending June 30, 1969, and \$10,000,000 for the fiscal year ending June 30, 1970, for the purposes set forth in this section.

Funds, use.

"(c) (1) Sums appropriated pursuant to subsection (b) shall be used by the Commissioner, after consultation with the appropriate State agencies and the National Council, to make grants to or contracts with colleges or universities, State boards, and other public or nonprofit private agencies and institutions, or contracts with public or private agencies, organizations, or institutions—

"(A) to promote the development and dissemination of vocational education curriculum materials for use in teaching occupational subjects, including curriculums for new and changing occupational fields;

"(B) to develop standards for curriculum development in all occupational fields;

"(C) to coordinate efforts of the States in the preparation of curriculum materials and prepare current lists of curriculum materials available in all occupational fields;

"(D) to survey curriculum materials produced by other agencies of Government, including the Department of Defense;

"(E) to evaluate vocational-technical education curriculum materials and their uses; and

"(F) to train personnel in curriculum development.

“(2) For purposes of this subsection, ‘curriculum materials’ means materials consisting of a series of courses to cover instruction in any occupational field in vocational education which are designed to prepare persons for employment at the entry level or to upgrade occupational competencies of those previously or presently employed in any occupational field.”

“Curriculum materials.”

EFFECTIVE DATE

SEC. 102. (a) Except as provided in subsection (b), the amendments made by section 101 shall become effective upon enactment.

(b) The amendments made by this Act to the Vocational Education Act of 1963 shall not, during the fiscal year ending June 30, 1969, apply with respect to programs which are continuations of programs (including programs under part H) carried on under any State's plan during the preceding fiscal year.

REPEAL OF EARLIER VOCATIONAL EDUCATION ACTS

SEC. 103. Effective July 1, 1969, the Vocational Education Act of 1946 (the Act of June 8, 1936, as amended, 20 U.S.C. 15i–15m, 15o–15q, 15aa–15jj, 15aaa–15ggg), section 1 of the Act of March 3, 1931, relating to vocational education in Puerto Rico (20 U.S.C. 30), the Act of March 18, 1950, relating to vocational education in the Virgin Islands (20 U.S.C. 31–33), section 9 of the Act of August 1, 1956, relating to vocational education in Guam (20 U.S.C. 34), and section 2 of the Act of September 25, 1962, relating to vocational education in American Samoa (48 U.S.C. 1667) are repealed.

60 Stat. 775;
70 Stat. 925;
72 Stat. 1598.
46 Stat. 1489.
64 Stat. 27.
70 Stat. 909.

76 Stat. 586.

USE OF FUNDS AVAILABLE UNDER THE SMITH-HUGHES ACT

SEC. 104. Funds appropriated by the first section of the Smith-Hughes Act (that is the Act approved February 23, 1917, 39 Stat. 929, as amended (20 U.S.C. 11–15, 16–28)), shall be considered as funds appropriated pursuant to section 102(a) of this Act.

TITLE II—VOCATIONAL EDUCATION LEADERSHIP AND PROFESSIONAL DEVELOPMENT AMENDMENT OF HIGHER EDUCATION ACT OF 1965

SEC. 201. The Higher Education Act of 1965 is amended by inserting the following new part at the end of title V (the Education Professions Development Act):

79 Stat. 1254;
81 Stat. 93.
20 USC 1091-
1119b-2.

“PART F—TRAINING AND DEVELOPMENT PROGRAMS FOR VOCATIONAL EDUCATION PERSONNEL

“STATEMENT OF PURPOSE

“SEC. 551. It is the purpose of this part to provide opportunities for experienced vocational educators to spend full-time in advanced study of vocational education for a period not to exceed three years in length; to provide opportunities to up-date the occupational competencies of vocational education teachers through exchanges of personnel between vocational education programs and commercial, industrial, or other public or private employment related to the subject matter of vocational education; and to provide programs of inservice teacher education and short-term institutes for vocational education personnel.

"LEADERSHIP DEVELOPMENT AWARDS

"SEC. 552. (a) In order to meet the needs in all the States for qualified vocational education personnel (such as administrators, supervisors, teacher educators, researchers, and instructors in vocational education programs) the Commissioner shall make available leadership development awards in accordance with the provisions of this part only upon his determination that—

Eligibility.

"(A) persons selected for awards have had not less than two years of experience in vocational education or in industrial training, or military technical training; or, in the case of researchers, experience in social science research which is applicable to vocational education; or

"(B) persons receiving such awards are currently employed or are reasonably assured of employment in vocational education and have successfully completed, as a minimum, a baccalaureate degree program; or

"(C) persons selected are recommended by their employer, or others, as having leadership potential in the field of vocational education and are eligible for admission as a graduate student to a program of higher education approved by the Commissioner under subsection (c).

Pay to individuals.

"(b) (1) The Commissioner shall pay to persons selected for leadership development awards such stipends (including such allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

Pay to educational institution.

"(2) The Commissioner shall (in addition to the stipends paid to persons under paragraph (1)) pay to the institution of higher education at which such person is pursuing his course of study such amount as the Commissioner may determine to be consistent with the prevailing practices under comparable federally supported programs not to exceed the equivalent of \$3,500 per academic year, but any amount charged such person for tuition and nonrefundable fees and deposits shall be deducted from the amount payable to the institution of higher education under this subsection.

Approval provisions.

"(c) The Commissioner shall approve the vocational education leadership development program of an institution of higher education by the institution only upon finding that—

"(1) the institution offers a comprehensive program in vocational education with adequate supporting services and disciplines such as education administration, guidance and counseling, research, and curriculum development;

"(2) such program is designed to further substantially the objective of improving vocational education through providing opportunities for graduate training of vocational education teachers, supervisors, and administrators, and of university level vocational education teacher educators and researchers;

"(3) such programs are conducted by a school of graduate study in the institution of higher education; and

"(4) such program is also approved by the State board for vocational education in the State where the institution is located.

Apportionment.

"(d) In order to meet the needs for qualified vocational education personnel such as teachers, administrators, supervisors, and teacher educators, in vocational education programs in all the States, the Commissioner in carrying out this section shall apportion leadership development awards equitably among the States, taking into account such factors as the State's vocational education enrollments, and the incidence of youth unemployment and school dropouts in the State.

“(e) Persons receiving leadership awards under the provisions of this section shall continue to receive the payments provided in subsection (b) only during such periods as the Commissioner finds that they are maintaining satisfactory proficiency in, and devoting essentially full-time to, study or research in the field of vocational education in an institution of higher education, and are not engaging in gainful employment, other than part-time employment by such institution in teaching, research, or similar activities, approved by the Commissioner.

“EXCHANGE PROGRAMS, INSTITUTES, AND INSERVICE EDUCATION FOR VOCATIONAL-EDUCATION TEACHERS, SUPERVISORS, COORDINATORS, AND ADMINISTRATORS

“SEC. 553. (a) The Commissioner is authorized to make grants to State boards, as defined in the Vocational Education Act of 1963, to pay the cost of carrying out cooperative arrangements for the training or retraining of experienced vocational education personnel such as teachers, teacher educators, administrators, supervisors, and coordinators, and other personnel, in order to strengthen education programs supported by this part and the administration of schools offering vocational education. Such cooperative arrangements may be between schools offering vocational education and private business or industry, commercial enterprises, or with other educational institutions (including those for the handicapped and delinquent).

Ante, p. 1071.

“(b) Grants under this section may be used for projects and activities such as—

Projects and activities.

“(1) exchange of vocational education teachers and other staff members with skilled technicians or supervisors in industry (including mutual arrangements for preserving employment and retirement status, and other employment benefits during the period of exchange), and the development and operation of cooperative programs involving periods of teaching in schools providing vocational education and of experience in commercial, industrial, or other public or private employment related to the subject matter taught in such school;

“(2) inservice training programs for vocational education teachers and other staff members to improve the quality of instruction, supervision, and administration of vocational education programs; and

“(3) short-term or regular-session institutes, or other preservice and inservice training programs or projects designed to improve the qualifications of persons entering and reentering the field of vocational education, except that funds may not be used for seminars, symposia, workshops or conferences unless these are part of a continuing program of inservice or preservice training.

“(c) A grant may be made under this section only upon application to the Commissioner at such time or times and containing such information as he deems necessary. The Commissioner shall not approve an application unless it—

Provisions for approval.

“(1) sets forth a program for carrying out one or more projects or activities which meet the requirements of subsection (b), and provides for such methods of administration as are necessary for the proper and efficient operation of the program;

"(2) sets forth policies and procedures which assure that Federal funds made available under this section for any fiscal year will be so used as to supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available for purposes which meet the requirements of subsection (b), and in no case supplant such funds;

"(3) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and

Reports; record-
keeping.

"(4) provides for making such reports, in such form and containing such information, as the Commissioner may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"FAMILIARIZING TEACHERS WITH NEW CURRICULAR MATERIALS

"SEC. 554. In approving training and development programs for vocational education personnel, the Commissioner shall give special consideration to programs which are designed to familiarize teachers with new curricular materials in vocational education.

"APPROPRIATIONS AUTHORIZED

"SEC. 555. There is authorized to be appropriated to carry out this part, the sum of \$25,000,000 for the fiscal year ending June 30, 1969, and the sum of \$35,000,000 for the fiscal year ending June 30, 1970."

TITLE III—MISCELLANEOUS PROVISIONS

ADEQUATE LEADTIME, PLANNING, AND EVALUATION

81 Stat. 814.
20 USC 1221.

SEC. 301. (a) Section 401 of the Elementary and Secondary Education Amendments of 1967 (Public Law 90-247) is amended to read as follows:

"PROGRAMS SUBJECT TO THIS TITLE

"SEC. 401. The provisions of this title shall apply to any program for which the Commissioner of Education has responsibility for administration, either as provided by statute or by delegation pursuant to statute. Amendments to Acts authorizing such programs shall not affect the applicability of this title unless so specified by such amendments."

20 USC 1225.

(b) Title IV of such Act is amended by inserting after section 405 the following new section:

"AVAILABILITY OF APPROPRIATIONS

"SEC. 406. Notwithstanding any other provision of law, unless expressly in limitation of the provisions of this title, funds appropriated for any fiscal year to carry out any of the programs to which this title is applicable shall remain available for obligation until the end of such fiscal year."

REDUCING AGE LIMIT IN ADULT EDUCATION PROGRAM

SEC. 302. Effective with respect to appropriations for fiscal years beginning after June 30, 1969, section 303(a) of the Adult Education Act of 1966 (title III of Public Law 89-750, 80 Stat. 1216) is amended by striking out "eighteen" and inserting in lieu thereof "sixteen".

20 USC 1202.

COLLECTION AND DISSEMINATION OF INFORMATION

SEC. 303. (a) For the purpose of carrying out more effectively the provisions of the programs administered by him (including those administered by him by delegation), the Commissioner of Education—

(1) shall prepare and disseminate to all appropriate State and local agencies and institutions and others concerned with education, complete information on programs of Federal assistance;

(2) shall inform the public on federally supported programs for education by providing information to communications media; such dissemination activity shall include the development and issuance of materials which inform teachers, students, the disadvantaged, and dropouts of new and expanding opportunities for education, together with materials specifically directed to institutions or individuals vested with responsibility for one or more programs administered by the Commissioner;

(3) shall develop, on both formal and informal bases, a close liaison for interchange of ideas and information with representatives of American business and with service, labor, or other organizations, both public and private, to advance American education;

(4) shall collect data and information on programs qualifying for assistance under programs administered by him for the purpose of obtaining objective measurements of the effectiveness achieved in carrying out the purposes of such programs;

(5) may upon request provide advice, counsel, technical assistance, and demonstrations to State educational agencies, local educational agencies, or institutions of higher education undertaking to initiate or expand programs in order to increase the quality or depth or broaden the scope of such programs, and shall inform such agencies and institutions of the availability of assistance pursuant to this clause;

(6) shall prepare and disseminate to State educational agencies, local educational agencies, and other appropriate agencies and institutions an annual report setting forth developments in the utilization and adaptation of programs administered by him; and

(7) may enter into contracts with public or private agencies, organizations, groups, or individuals to carry out the provisions of this section.

Annual report.

(b) (1) For such purpose and also for the purpose of carrying out more effectively other provisions of Federal law, the Commissioner, upon request from a State educational agency, shall provide counseling and technical assistance to elementary and secondary schools in rural areas, as defined by the Commissioner, of such State (A) in determining benefits available to such agencies and schools under Federal laws, and (B) in preparing applications and meeting other requirements for such benefits. Assistance pursuant to this subsection may, in accordance with such request, be provided by personnel from the Office of Education or be provided in the form of grants in such

Rural areas.
Counseling and
technical assist-
ance.

amounts as may be necessary for such State educational agency to employ such personnel as may be necessary to provide such assistance.

(2) The Commissioner is further authorized to provide the types of assistance available to elementary and secondary schools under paragraph (1) to institutions of higher education.

Catalog of
Federal educa-
tion assistance
programs.

(c) The Commissioner shall prepare and make available in such form as he deems appropriate a catalog of all Federal education assistance programs whether or not such programs are administered by him. The catalog shall—

(1) identify each such program, and include the name of the program, the authorizing statute, the specific Federal administering officials and a brief description of such program;

(2) set forth the availability of benefits and eligibility restrictions in each such program;

(3) set forth the budget requests for each such program, past appropriations, obligations incurred, the average assistance provided under each such program, and pertinent financial information indicating (A) the size of each such program for selected fiscal years, and (B) any funds remaining available;

(4) set forth the prerequisites, including the cost to the recipient of receiving assistance under each such program, and any duties required of the recipient after receiving benefits;

(5) identify appropriate officials, in Washington, District of Columbia, as well as in each State and locality (if applicable), to whom application or reference for information for each such program may be made;

(6) set forth the application procedures;

(7) contain a detailed index designed to assist the potential beneficiary to identify all education assistance programs related to a particular need or category of potential beneficiaries;

(8) contain such other program information and data as the Commissioner deems necessary or desirable in order to assist the potential program beneficiary to understand and take advantage of each Federal education assistance program; and

Report to
Congress.

(9) be transmitted to Congress within the first month of each regular session, together with a report setting forth the specific measures taken in the past year to simplify the various application forms and program guidelines a potential beneficiary would use to benefit from each Federal education assistance program, and to coordinate, simplify application forms and program guidelines.

Appropriation
authorization.

(d) There are authorized to be appropriated for the fiscal year ending June 30, 1970, and each succeeding fiscal year ending prior to July 1, 1972, such sums as may be necessary to carry out the provisions of this section.

80 Stat. 1209;
81 Stat. 805, 816.
20 USC 886.

(e) Section 806 of the Elementary and Secondary Education Act of 1965 shall become ineffective the first fiscal year for which funds are appropriated to carry out the provisions of this section.

TRAINING TEACHERS OF THE HANDICAPPED

72 Stat. 1777;
77 Stat. 294.
20 USC 611.

SEC. 304. Section 1 of Public Law 85-926 (grants for teaching in the education of handicapped children) is amended by inserting "and other appropriate non-profit institutions or agencies" after the words "non-profit institutions of higher learning" wherever such words occur.

PREVENTION OF REDUCTION OF STATE AID ON ACCOUNT OF PAYMENTS UNDER
PUBLIC LAW 874

SEC. 305. (a) Subsection (d) of section 5 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended (1) by inserting "(1)" after "(d)", and (2) by adding the following new paragraph:

80 Stat. 1212.
20 USC 240.

"(2) No payments may be made during any fiscal year to any local educational agency in any State which has taken into consideration payments under this title in determining the eligibility of any local educational agency in that State for State aid (as defined by regulation), or the amount of that aid, with respect to free public education during that year or the preceding fiscal year, or which makes such aid available to local educational agencies in such a manner as to result in less State aid to any local educational agency which is eligible for payments under this title than such local educational agency would receive if it were not so eligible."

(b) The amendments made by subsection (a) shall become effective with respect to each State on the first day of the first fiscal year which begins after the adjournment of the first complete legislative session (at which State aid may be considered) of such State's legislature held after the date of enactment of this Act.

Effective date.

PROGRAM CONSOLIDATION STUDY

SEC. 306. The Commissioner of Education shall make a study of the feasibility of consolidation of education programs in order to provide for more efficient use of Federal funds at the local level and to simplify application procedures for such funds and shall, within one year of the date of enactment of this Act, submit to the Congress a report on the results of the study and any recommendations for legislation which would facilitate consolidation of education programs.

Report to
Congress.

STATE SCHOOLS FOR HANDICAPPED IN TERRITORIES

SEC. 307. Section 103(a)(4) of the Elementary and Secondary Education Act of 1965 (title II of Public Law 874, 81st Congress, as amended) is amended by inserting "except paragraph (5)," after "this subsection,".

79 Stat. 28;
81 Stat. 787.
20 USC 241c.
79 Stat. 1161.

JOB CORPS STUDY

SEC. 308. (a) The Commissioner of Education is authorized and directed to make a special study of the means by which the existing Job Corps facilities and programs established under the Economic Opportunity Act of 1964 most effectively might, if determined feasible, be transferred to State or joint Federal-State operation in conjunction with the program of Residential Vocational Education authorized by part E of the Vocational Education Act of 1963.

81 Stat. 672.
42 USC 2711-
2729.

Ante, p. 1082.

(b) The Commissioner shall consult with other Federal officers, State boards of vocational education, and such other individuals and organizations as he may deem necessary for this study, and shall make a report of his findings and recommendations to the appropriate committees of the Congress not later than March 1, 1969.

Report to Con-
gress.

HEAD START STUDY

SEC. 309. The President shall make a special study of whether the responsibility for administering the Head Start program established under the Economic Opportunity Act of 1964 should continue to be vested in the Director of the Office of Economic Opportunity, should be transferred to another agency of the Government, or should be delegated to another such agency pursuant to the provisions of section 602(d) of the aforementioned Economic Opportunity Act of 1964, and shall submit the findings of this study to the Congress not later than March 1, 1969.

Approved October 16, 1968.

Public Law 90-577

AN ACT

October 16, 1968
[S. 698]

To achieve the fullest cooperation and coordination of activities among the levels of government in order to improve the operation of our federal system in an increasingly complex society, to improve the administration of grants-in-aid to the States, to permit provision of reimbursable technical services to State and local government, to establish coordinated intergovernmental policy and administration of development assistance programs, to provide for the acquisition, use, and disposition of land within urban areas by Federal agencies in conformity with local government programs, to provide for periodic congressional review of Federal grants-in-aid, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act be cited as the "Intergovernmental Cooperation Act of 1968".

Intergovern-
mental Coopera-
tion Act of 1968.

TITLE I—DEFINITIONS

When used in this Act—

FEDERAL AGENCY

SEC. 101. The term "Federal agency" means any department, agency, or instrumentality in the executive branch of the Government and any wholly owned Government corporation.

STATE

SEC. 102. The term "State" means any of the several States of the United States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State.

POLITICAL SUBDIVISION OR LOCAL GOVERNMENT

SEC. 103. The term "political subdivision" or "local government" means a local unit of government, including specifically a county, municipality, city, town, township, or a school or other special district created by or pursuant to State law.

UNIT OF GENERAL LOCAL GOVERNMENT

SEC. 104. "Unit of general local government" means any city, county, town, parish, village, or other general purpose political subdivision of a State.

SPECIAL-PURPOSE UNIT OF LOCAL GOVERNMENT

SEC. 105. "Special-purpose unit of local government" means any special district, public-purpose corporation, or other strictly limited-purpose political subdivision of a State, but shall not include a school district.

GRANT OR GRANT-IN-AID

SEC. 106. The term "grant" or "grant-in-aid" means money, or property provided in lieu of money, paid or furnished by the United States under a fixed annual or aggregate authorization—

(A) to a State; or

(B) to a political subdivision of a State; or

(C) to a beneficiary under a plan or program, administered by a State or a political subdivision of a State, which is subject to approval by a Federal agency;

if such authorization either (i) requires the States or political subdivisions to expend non-Federal funds as a condition for the receipt of money or property from the United States; or (ii) specifies directly, or establishes by means of a formula, the amounts which may be paid or furnished to States or political subdivisions, or the amounts to be allotted for use in each of the States by the States, political subdivisions, or other beneficiaries. The term also includes money, or property provided in lieu of money, paid and furnished by the United States to any community action agency under the Economic Opportunity Act of 1964, as amended. The term does not include (1) shared revenues; (2) payments of taxes; (3) payments in lieu of taxes; (4) loans or repayable advances; (5) surplus property or surplus agricultural commodities furnished as such; (6) payments under research and development contracts or grants which are awarded directly and on similar terms to all qualifying organizations, whether public or private; or (7) payments to States or political subdivisions as full reimbursement for the costs incurred in paying benefits or furnishing services to persons entitled thereto under Federal laws.

78 Stat. 508.
42 USC 2701
note.

FEDERAL ASSISTANCE, FEDERAL FINANCIAL ASSISTANCE, FEDERAL ASSISTANCE PROGRAMS, OR FEDERALLY ASSISTED PROGRAMS

SEC. 107. The term "Federal assistance", "Federal financial assistance", "Federal assistance programs", or "federally assisted programs", means programs that provide assistance through grant or contractual arrangements, and includes technical assistance programs or programs providing assistance in the form of loans, loan guarantees, or insurance. The term does not include any annual payment by the United States to the District of Columbia authorized by article VI of the District of Columbia Revenue Act of 1947 (D.C. Code secs. 47-2501a and 47-2501b).

80 Stat. 857;
Ante, p. 612.

SPECIALIZED OR TECHNICAL SERVICES

SEC. 108. "Specialized or technical services" means statistical and other studies and compilations, development projects, technical tests and evaluations, technical information, training activities, surveys, reports, documents, and any other similar service functions which any department or agency of the executive branch of the Federal Government is especially equipped and authorized by law to perform.

COMPREHENSIVE PLANNING

SEC. 109. "Comprehensive planning" includes the following, to the extent directly related to area needs or needs of a unit of general local government: (A) preparation, as a guide for governmental policies and action, of general plans with respect to (i) the pattern and intensity of land use, (ii) the provision of public facilities (including transportation facilities) and other government services, and (iii) the effective development and utilization of human and natural resources; (B) long-range physical and fiscal plans for such action; (C) programming of capital improvements and other major expenditures, based on a determination of relative urgency, together with definitive financing plans for such expenditures in the earlier years of the program; (D) coordination of all related plans and activities of the State and local governments and agencies concerned; and (E) preparation of regulatory and administrative measures in support of the foregoing.

HEAD OF AGENCY

SEC. 110. The term "head of a Federal agency" or "head of a State agency" includes a duly designated delegate of such agency head.

TITLE II—IMPROVED ADMINISTRATION OF GRANTS-
IN-AID TO THE STATES

FULL INFORMATION ON FUNDS RECEIVED

SEC. 201. Any department or agency of the United States Government which administers a program of grants-in-aid to any of the State governments of the United States or to their political subdivisions shall, upon request, notify in writing the Governor, the State legislature, or other official designated by either, of the purpose and amounts of actual grants-in-aid to the State or to its political subdivisions. In each instance, a copy of requested information shall be furnished the State legislature or the Governor depending upon the original request for such data.

DEPOSIT OF GRANTS-IN-AID

SEC. 202. No grant-in-aid to a State shall be required by Federal law or administrative regulation to be deposited in a separate bank account apart from other funds administered by the State. All Federal grant-in-aid funds made available to the States shall be properly accounted for as Federal funds in the accounts of the State. In each case the State agency concerned shall render regular authenticated reports to the appropriate Federal agency covering the status and the application of the funds, the liabilities and obligations on hand, and such other facts as may be required by said Federal agency. The head of the Federal agency and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to the grant-in-aid received by the States.

SCHEDULING OF FEDERAL TRANSFERS TO THE STATES

SEC. 203. Heads of Federal departments and agencies responsible for administering grant-in-aid programs shall schedule the transfer of grant-in-aid funds consistent with program purposes and applicable Treasury regulations, so as to minimize the time elapsing between the transfer of such funds from the United States Treasury and the disbursement thereof by a State, whether such disbursement occurs prior to or subsequent to such transfer of funds, or subsequent to such transfer of funds. States shall not be held accountable for interest earned on grant-in-aid funds, pending their disbursement for program purposes.

ELIGIBLE STATE AGENCY

SEC. 204. Notwithstanding any other Federal law which provides that a single State agency or multimember board or commission must be established or designated to administer or supervise the administration of any grant-in-aid program, the head of any Federal department or agency administering such program may, upon request of the Governor or other appropriate executive or legislative authority of the State responsible for determining or revising the organizational structure of State government, waive the single State agency or multimember board or commission provision upon adequate showing that such provision prevents the establishment of the most effective and efficient organizational arrangements within the State government and approve

other State administrative structure or arrangements: *Provided*, That the head of the Federal department or agency determines that the objectives of the Federal statute authorizing the grant-in-aid program will not be endangered by the use of such other State structure or arrangements.

TITLE III—PERMITTING FEDERAL DEPARTMENTS AND AGENCIES TO PROVIDE SPECIAL OR TECHNICAL SERVICES TO STATE AND LOCAL UNITS OF GOVERNMENT

STATEMENT OF PURPOSE

SEC. 301. It is the purpose of this title to encourage intergovernmental cooperation in the conduct of specialized or technical services and provision of facilities essential to the administration of State or local governmental activities, many of which are nationwide in scope and financed in part by Federal funds; to enable State or local governments to avoid unnecessary duplication of special service functions; and to authorize all departments and agencies of the executive branch of the Federal Government which do not have such authority to provide reimbursable specialized or technical services to State and local governments.

AUTHORITY TO PROVIDE SERVICE

SEC. 302. The head of any Federal department or agency is authorized within his discretion, upon written request from a State or political subdivision thereof, to provide specialized or technical services, upon payment, to the department or agency by the unit of government making the request, of salaries and all other identifiable direct or indirect costs of performing such services: *Provided, however*, That such services shall include only those which the Director of the Bureau of the Budget through rules and regulations determines Federal departments and agencies have special competence to provide. Such rules and regulations shall be consistent with and in furtherance of the Government's policy of relying on the private enterprise system to provide those services which are reasonably and expeditiously available through ordinary business channels.

REIMBURSEMENT OF APPROPRIATION

SEC. 303. All moneys received by any department or agency of the executive branch of the Federal Government, or any bureau or other administrative division thereof, in payment for furnishing specialized or technical services as authorized under section 302 shall be deposited to the credit of the principal appropriation from which the cost of providing such services has been paid or is to be charged.

REPORTS TO CONGRESS

SEC. 304. The Secretary of any department or the administrative head of any agency of the executive branch of the Federal Government shall furnish annually to the respective Committees on Government Operations of the Senate and House of Representatives a summary report on the scope of the services provided under the administration of this title.

RESERVATION OF EXISTING AUTHORITY

SEC. 305. This title is in addition to and does not supersede any existing authority now possessed by any Federal department or agency with respect to furnishing services, whether on a reimbursable or non-reimbursable basis, to State and local units of government.

TITLE IV—COORDINATED INTERGOVERNMENTAL POLICY AND ADMINISTRATION OF DEVELOPMENT ASSISTANCE PROGRAMS

DECLARATION OF DEVELOPMENT ASSISTANCE POLICY

SEC. 401. (a) The economic and social development of the Nation and the achievement of satisfactory levels of living depend upon the sound and orderly development of all areas, both urban and rural. Moreover, in a time of rapid urbanization, the sound and orderly development of urban communities depends to a large degree upon the social and economic health and the sound development of smaller communities and rural areas. The President shall, therefore, establish rules and regulations governing the formulation, evaluation, and review of Federal programs and projects having a significant impact on area and community development, including programs providing Federal assistance to the States and localities, to the end that they shall most effectively serve these basic objectives. Such rules and regulations shall provide for full consideration of the concurrent achievement of the following specific objectives and, to the extent authorized by law, reasoned choices shall be made between such objectives when they conflict:

- (1) Appropriate land uses for housing, commercial, industrial, governmental, institutional, and other purposes;
- (2) Wise development and conservation of natural resources, including land, water, minerals, wildlife, and others;
- (3) Balanced transportation systems, including highway, air, water, pedestrian, mass transit, and other modes for the movement of people and goods;
- (4) Adequate outdoor recreation and open space;
- (5) Protection of areas of unique natural beauty, historical and scientific interest;
- (6) Properly planned community facilities, including utilities for the supply of power, water, and communications, for the safe disposal of wastes, and for other purposes; and
- (7) Concern for high standards of design.

(b) All viewpoints—national, regional, State, and local—shall, to the extent possible, be fully considered and taken into account in planning Federal or federally assisted development programs and projects. State and local government objectives, together with the objectives of regional organizations shall be considered and evaluated within a framework of national public objectives, as expressed in Federal law, and available projections of future national conditions and needs of regions, States, and localities shall be considered in plan formulation, evaluation, and review.

(c) To the maximum extent possible, consistent with national objectives, all Federal aid for development purposes shall be consistent with and further the objectives of State, regional, and local comprehensive planning. Consideration shall be given to all developmental aspects of our total national community, including but not limited to housing, transportation, economic development, natural and human resources development, community facilities, and the general improvement of living environments.

(d) Each Federal department and agency administering a development assistance program shall, to the maximum extent practicable, consult with and seek advice from all other significantly affected Federal departments and agencies in an effort to assure fully coordinated programs.

(e) Insofar as possible, systematic planning required by individual Federal programs (such as highway construction, urban renewal, and open space) shall be coordinated with and, to the extent authorized by law, made part of comprehensive local and areawide development planning.

FAVORING UNITS OF GENERAL LOCAL GOVERNMENT

SEC. 402. Where Federal law provides that both special-purpose units of local government and units of general local government are eligible to receive loans or grants-in-aid, heads of Federal departments and agencies shall, in the absence of substantial reasons to the contrary, make such loans or grants-in-aid to units of general local government rather than to special-purpose units of local government.

RULES AND REGULATIONS

SEC. 403. The Bureau of the Budget or such other agency as may be designated by the President is hereby authorized to prescribe such rules and regulations as are deemed appropriate for the effective administration of this title.

TITLE V—ACQUISITION, USE, AND DISPOSITION OF LAND WITHIN URBAN AREAS BY FEDERAL AGENCIES IN CONFORMITY WITH LAND UTILIZATION PROGRAMS OF AFFECTED LOCAL GOVERNMENT

AMENDMENT OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT

63 Stat. 377.

SEC. 501. The Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.), is amended by adding at the end thereof a new title as follows:

“TITLE VIII—URBAN LAND UTILIZATION

“SHORT TITLE

Citation of title.

“SEC. 801. This title may be cited as the ‘Federal Urban Land-Use Act’.

“DECLARATION OF PURPOSE AND POLICY

“SEC. 802. It is the purpose of this title to promote more harmonious intergovernmental relations and to encourage sound planning, zoning, and land use practices by prescribing uniform policies and procedures whereby the Administrator shall acquire, use, and dispose of land in urban areas in order that urban land transactions entered into for the General Services Administration or on behalf of other Federal agencies shall, to the greatest extent practicable, be consistent with zoning and land-use practices and shall be made to the greatest extent practicable in accordance with planning and development objectives of the local governments and local planning agencies concerned.

“DISPOSAL OF URBAN LANDS

“SEC. 803. (a) Whenever the Administrator contemplates the disposal for or on behalf of any Federal agency of any real property situated within an urban area, he shall, prior to offering such land for sale, give reasonable notice to the head of the governing body of the unit of general local government having jurisdiction over zoning and land-use regulation in the geographical area within which the land or lands are located in order to afford the government the opportunity of zoning for the use of such land in accordance with local comprehensive planning.

“(b) The Administrator, to the greatest practicable extent, shall furnish to all prospective purchasers of such real property, full and complete information concerning—

“(1) current zoning regulations and prospective zoning requirements and objectives for such property when it is unzoned; and

“(2) current availability to such property of streets, sidewalks, sewers, water, street lights, and other service facilities and prospective availability of such services if such property is included in comprehensive planning.

“ACQUISITION OR CHANGE OF USE OF REAL PROPERTY

“SEC. 804. (a) To the extent practicable, prior to a commitment to acquire any real property situated in an urban area, the Administrator shall notify the unit of general local government exercising zoning and land-use jurisdiction over the land proposed to be purchased of his intent to acquire such land and the proposed use of the property. In the event that the Administrator determines that such advance notice would have an adverse impact on the proposed purchase, he shall, upon conclusion of the acquisition, immediately notify such local government of the acquisition and the proposed use of the property.

“(b) In the acquisition or change of use of any real property situated in an urban area as a site for public building, the Administrator shall, to the extent he determines practicable—

“(1) consider all objections made to any such acquisition or change of use by such unit of government upon the ground that the proposed acquisition or change of use conflicts or would conflict with the zoning regulations or planning objectives of such unit; and

“(2) comply with and conform to such regulations of the unit of general local government having jurisdiction with respect to the area within which such property is situated and the planning and development objectives of such local government.

“SEC. 805. The procedures prescribed in sections 803 and 804 may be waived during any period of national emergency proclaimed by the President.

“DEFINITIONS

“SEC. 806. As used in this title—

“(a) ‘Unit of general local government’ means any city, county, town, parish, village, or other general-purpose political subdivision of a State.

“(b) ‘Urban area’ means—

“(1) any geographical area within the jurisdiction of any incorporated city, town, borough, village, or other unit of general local government, except county or parish, having a population of ten thousand or more inhabitants;

“(2) that portion of the geographical area within the jurisdiction of any county, town, township, or similar governmental

entity which contains no incorporated unit of general local government but has a population density equal to or exceeding one thousand five hundred inhabitants per square mile; and

“(3) that portion of any geographical area having a population density equal to or exceeding one thousand five hundred inhabitants per square mile and situated adjacent to the boundary of any incorporated unit of general local government which has a population of ten thousand or more inhabitants.

“(c) ‘Comprehensive planning’ includes the following, to the extent directly related to the needs of a unit of general local government:

“(1) Preparation, as a guide for governmental policies and action, of general plans with respect to (A) the pattern and intensity of land use, (B) the provision of public facilities (including transportation facilities) and other governmental services, and (C) the effective development and utilization of human and natural resources;

“(2) Long-range physical and fiscal plans for such action;

“(3) Programing of capital improvements and other major expenditures, based on a determination of relative urgency, together with definitive financing plans for such expenditures in the earlier years of the program;

“(4) Coordination of all related plans and activities of the State and local governments and agencies concerned; and

“(5) Preparation of regulatory and administrative measures in support of the foregoing.”

TITLE VI—REVIEW OF FEDERAL GRANT-IN-AID PROGRAMS

CONGRESSIONAL REVIEW OF GRANT-IN-AID PROGRAMS

SEC. 601. (a) Where any Act of Congress authorizes the making of grants-in-aid and no expiration date for such authority has been specified by law, then prior to the expiration of each period specified in subsection (b) the Committees of the Senate and the House having legislative jurisdiction over such grants-in-aid shall, separately or jointly, conduct studies of the program under which such grants-in-aid are made and advise their respective Houses of the results of their findings with special attention to—

(1) The extent to which the purposes for which the grants-in-aid are authorized have been met;

(2) The extent to which the objectives of such programs can be carried on without further financial assistance from the United States;

(3) Whether or not any changes in purpose, direction or administration of the original program, or in procedures and requirements applicable thereto, shall be made; and

(4) The extent to which such grant-in-aid programs are adequate to meet the growing and changing needs which they were designed to support.

(b) (1) A study of a grant-in-aid program to which subsection (a) applies and which is authorized by an Act of Congress enacted before the date of enactment of this Act shall be conducted prior to the expiration of the fourth calendar year beginning after the date of enactment of this Act, and thereafter prior to the expiration of the fourth calendar year following the year during which a study of such program was last conducted under this paragraph.

(2) A study of a grant-in-aid program to which subsection (a) applies and which is authorized by an Act of Congress enacted after the date of enactment of this Act shall be conducted prior to the

expiration of the fourth calendar year following the year of enactment of such Act, and prior to the expiration of each fourth calendar year thereafter.

STUDIES BY COMPTROLLER GENERAL OF FEDERAL GRANT-IN-AID PROGRAMS

SEC. 602. (a) Upon request of any committee having jurisdiction over a grant-in-aid program, the Comptroller General shall make a study of such program to determine among other relevant matters, the extent to which—

(1) such program conflicts with or duplicates other grant-in-aid programs; and

(2) more effective, efficient, economical, and uniform administration of such program can be achieved by changing certain requirements and procedures applicable thereto.

(b) In reviewing grant-in-aid programs the Comptroller General shall consider, among other relevant matters, and the budgetary, accounting, reporting and administrative procedures applicable to such programs. Reports on such studies, together with recommendations, shall be submitted by the Comptroller General to the Congress. Reports on expiring programs should, to the extent practicable, be submitted in the year prior to the date set for their expiration.

Reports to
Congress.

STUDIES BY ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

SEC. 603. Upon request of any committee having jurisdiction over a grant-in-aid program, the Advisory Commission on Intergovernmental Relations (established by Public Law 86-380, as amended) shall conduct studies of the intergovernmental relations aspects of such program including (1) the impact of such program, if any, on the structural organization of State and local governments and on Federal-State-local fiscal relations, and (2) the coordination of Federal administration of such program with State and local administration thereof, and shall report its findings and recommendations to such committee and to the Congress.

73 Stat. 703;
80 Stat. 1162.
50 USC 1501-
1509.

Report to
Congress.

PRESERVATION OF HOUSE AND SENATE COMMITTEE JURISDICTION

SEC. 604. Nothing in this Act shall be construed to affect the jurisdiction of committees under the rules of the Senate and the House of Representatives.

Approved October 16, 1968.

Public Law 90-578

AN ACT

To abolish the office of United States commissioner, to establish in place thereof within the judicial branch of the Government the office of United States magistrate, and for other purposes.

October 17, 1968
[S. 945]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Magistrates Act".

Federal Magis-
trates Act.

TITLE I—UNITED STATES MAGISTRATES

62 Stat. 915.

SEC. 101. Chapter 43, title 28, United States Code, relating to United States commissioners, is amended to read as follows:

“Chapter 43.—UNITED STATES MAGISTRATES

“Sec.

“631. Appointment and tenure.

“632. Character of service.

“633. Determination of number, locations, and salaries of magistrates.

“634. Compensation.

“635. Expenses.

“636. Jurisdiction and powers.

“637. Training.

“638. Dockets and forms; United States Code; seals.

“639. Definitions.

“§ 631. Appointment and tenure

“(a) The judges of each United States district court shall appoint United States magistrates in such numbers and to serve at such locations within the judicial district as the conference may determine under this chapter. Where there is more than one judge of a district court, the appointment, whether an original appointment or a reappointment, shall be by the concurrence of a majority of all the judges of such district court, and when there is no such concurrence, then by the chief judge. Where an area under the administration of the National Park Service, or the United States Fish and Wildlife Service, or any other Federal agency, extends into two or more judicial districts and it is deemed desirable by the conference that the territorial jurisdiction of a magistrate's appointment include the entirety of such area, the appointment or reappointment shall be made by the concurrence of a majority of all judges of the district courts of the judicial districts involved, and where there is no such concurrence by the concurrence of the chief judges of such district courts.

Qualifications.

“(b) No individual may be appointed or serve as a magistrate under this chapter unless:

“(1) He is a member in good standing of the bar of the highest court of the State in which he is to serve, or, in the case of an individual appointed to serve—

“(A) in the District of Columbia, a member in good standing of the bar of the United States district court for the District of Columbia;

“(B) in the Commonwealth of Puerto Rico, a member in good standing of the bar of the Supreme Court of Puerto Rico; or

“(C) in an area under the administration of the National Park Service, the United States Fish and Wildlife Service, or any other Federal agency that extends into two or more States, a member in good standing of the bar of the highest court of one of those States;

except that an individual who does not meet the bar membership requirements of the first sentence of this paragraph may be appointed

and serve as a part-time magistrate if the appointing court or courts and the conference find that no qualified individual who is a member of the bar is available to serve at a specific location;

“(2) He is determined by the appointing district court or courts to be competent to perform the duties of the office;

“(3) In the case of an individual appointed to serve in a national park, he resides within the exterior boundaries of that park, or at some place reasonably adjacent thereto;

“(4) He is not related by blood or marriage to a judge of the appointing court or courts at the time of his initial appointment.

“(c) A magistrate may hold no other civil or military office or employment under the United States: *Provided, however,* That, with the approval of the conference, a part-time referee in bankruptcy or a clerk or deputy clerk of a court of the United States may be appointed and serve as a part-time United States magistrate, but the conference shall fix the aggregate amount of compensation to be received for performing the duties of part-time magistrate and part-time referee in bankruptcy, clerk or deputy clerk: *And provided further,* That retired officers and retired enlisted personnel of the Regular and Reserve components of the Army, Navy, Air Force, Marine Corps, and Coast Guard, members of the Reserve components of the Army, Navy, Air Force, Marine Corps, and Coast Guard, and members of the Army National Guard of the United States, the Air National Guard of the United States, and the Naval Militia and of the National Guard of a State, territory, or the District of Columbia, except the National Guard disbursing officers who are on a full-time salary basis, may be appointed and serve as United States magistrates.

“(d) No individual may serve under this chapter after having attained the age of seventy years: *Provided, however,* That upon the unanimous vote of all the judges of the appointing court or courts, a magistrate who has attained the age of seventy years may continue to serve and may be reappointed under this chapter.

“(e) The appointment of any individual as a full-time magistrate shall be for a term of eight years, and the appointment of any individuals as a part-time magistrate shall be for a term of four years, except that the term of a full-time or part-time magistrate appointed under subsection (j) shall expire upon—

“(1) the expiration of the absent magistrate's term,

“(2) the reinstatement of the absent magistrate in regular service in office as a magistrate,

“(3) the failure of the absent magistrate to make timely application under subsection (i) of this section for reinstatement in regular service in office as a magistrate after discharge or release from military service,

“(4) the death or resignation of the absent magistrate, or

“(5) the removal from office of the absent magistrate pursuant to subsection (h) of this section,

whichever may first occur.

“(f) Each individual appointed as a magistrate under this section shall take the oath or affirmation prescribed by section 453 of this title before performing the duties of his office.

“(g) Each appointment made by a judge or judges of a district court shall be entered of record in such court, and notice of such appointment shall be given at once by the clerk of that court to the Director.

“(h) Removal of a magistrate during the term for which he is appointed shall be only for incompetency, misconduct, neglect of duty, or physical or mental disability, but a magistrate's office shall be terminated if the conference determines that the services performed by his

Age limitation.

Term.

Oath.
62 Stat. 907.

Appointment
record and notice.

Removal.

office are no longer needed. Removal shall be by the judges of the district court for the judicial district in which the magistrate serves; where there is more than one judge of a district court, removal shall not occur unless a majority of all the judges of such court concur in the order of removal; and when there is a tie vote of the judges of the district court on the question of the removal or retention in office of a magistrate, then removal shall be only by a concurrence of a majority of all the judges of the council. In the case of a magistrate appointed under the third sentence of subsection (a) of this section, removal shall not occur unless a majority of all the judges of the appointing district courts concur in the order of removal; and where there is a tie vote on the question of the removal or retention in office of a magistrate, then removal shall be only by a concurrence of a majority of all the judges of the council or councils. Before any order of removal shall be entered, a full specification of the charges shall be furnished to the magistrate, and he shall be accorded by the judge or judges of the removing court, courts, council, or councils an opportunity to be heard on the charges.

Armed Forces
duty.

62 Stat. 604;
81 Stat. 100.

“(i) (1) A magistrate who is inducted into the Armed Forces of the United States pursuant to the Military Selective Service Act of 1967 (50 U.S.C. App. 451 et seq.), or is otherwise ordered to active duty with such forces for a period of more than thirty days, and who makes application for a leave of absence to the district court or courts which appointed him, shall be granted a leave of absence without compensation for such period as he is required to serve in such forces. Every application for a leave of absence under this subsection shall include a copy of the official orders requiring the magistrate's military service. The granting of a leave of absence under this subsection shall not operate to extend the term of office of any magistrate.

Reinstatement.

“(2) A magistrate granted a leave of absence under this subsection who—

62 Stat. 614;
69 Stat. 295.

“(A) receives a certificate of service under section 9(a) of the Military Selective Service Act of 1967 (50 U.S.C. App. 459(a)), or is released under honorable conditions from the military service,

“(B) makes application for reinstatement to regular service in office as a magistrate within ninety days after he is released from such service or training or from hospitalization continuing after discharge for a period of not more than one year, and

“(C) is determined by the appointing court or courts in the manner specified in subsection (a) of this section to be still qualified to perform the duties of such position,

shall be reinstated in regular service in such office.

“(j) Upon the grant by the appropriate district court or courts of a leave of absence to a magistrate entitled to such relief under the terms of subsection (i) of this section, such court or courts may proceed to appoint, in the manner specified in subsection (a) of this section, another magistrate, qualified for appointment and service under subsections (b), (c), and (d) of this section, who shall serve for the period specified in subsection (e) of this section.

“§ 632. Character of service

“(a) Full-time United States magistrates may not engage in the practice of law, and may not engage in any other business, occupation, or employment inconsistent with the expeditious, proper, and impartial performance of their duties as judicial officers.

“(b) Part-time United States magistrates shall render such service as judicial officers as is required by law. While so serving they may engage in the practice of law, but may not serve as counsel in any criminal action in any court of the United States, nor act in any capacity that is, under such regulations as the conference may establish, inconsistent with the proper discharge of their office. Within such

restrictions, they may engage in any other business, occupation, or employment which is not inconsistent with the expeditious, proper, and impartial performance of their duties as judicial officers.

“§ 633. Determination of number, locations, and salaries of magistrates

“(a) SURVEYS BY THE DIRECTOR.—

“(1) The Director shall, within one year immediately following the date of the enactment of the Federal Magistrates Act, make a careful survey of conditions in judicial districts to determine (A) the number of appointments of full-time magistrates and part-time magistrates required to be made under this chapter to provide for the expeditious and effective administration of justice, (B) the locations at which such officers shall serve, and (C) their respective salaries under section 634 of this title. Thereafter, the Director shall, from time to time, make such surveys, general or local, as the conference shall deem expedient.

“(2) In the course of any survey, the Director shall take into account local conditions in each judicial district, including the areas and the populations to be served, the transportation and communications facilities available, the amount and distribution of business of the type expected to arise before officers appointed under this chapter (including such matters as may be assigned under section 636(b) of this chapter), and any other material factors. The Director shall give consideration to suggestions from any interested parties, including district judges, United States commissioners or officers appointed under this chapter, United States attorneys, bar associations, and other parties having relevant experience or information.

“(3) The surveys shall be made with a view toward creating and maintaining a system of full-time United States magistrates. However, should the Director find, as a result of any such surveys, areas in which the employment of a full-time magistrate would not be feasible or desirable, he shall recommend the appointment of part-time United States magistrates in such numbers and at such locations as may be required to permit prompt and efficient issuance of process and to permit individuals charged with criminal offenses against the United States to be brought before a judicial officer of the United States promptly after arrest.

“(b) DETERMINATION BY THE CONFERENCE.—Upon the completion of the initial surveys required by subsection (a) of this section, the Director shall report to the district courts, the councils, and the conference his recommendations concerning the number of full-time magistrates and part-time magistrates, their respective locations, and the amount of their respective salaries under section 643 of this title. The district courts shall advise their respective councils, stating their recommendations and the reasons therefor; the councils shall advise the conference, stating their recommendations and the reasons therefor, and shall also report to the conference the recommendations of the district courts. The conference shall determine, in the light of the recommendations of the Director, the district courts, and the councils, the number of full-time United States magistrates and part-time United States magistrates, the locations at which they shall serve, and their respective salaries. Such determinations shall take effect in each judicial district at such time as the district court for such judicial district shall determine, but in no event later than one year after they are promulgated.

“(c) CHANGES IN NUMBER, LOCATIONS, AND SALARIES.—Except as otherwise provided in this chapter, the conference may, from time to time, in the light of the recommendations of the Director, the district

courts, and the councils, change the number, locations, and salaries of full-time and part-time magistrates, as the expeditious administration of justice may require. Such determinations shall take effect sixty days after they are promulgated.

“§ 634. Compensation

“(a) Officers appointed under this chapter shall receive as full compensation for their services salaries to be fixed by the conference pursuant to section 633 of this title, at rates not more than \$22,500 per annum for full-time United States magistrates, and not more than \$11,000 per annum nor less than \$100 per annum for part-time United States magistrates. In fixing the amount of salary to be paid to any officer appointed under this chapter, consideration shall be given to the average number and the nature of matters that have arisen during the immediately preceding period of five years, and that may be expected thereafter to arise, over which such officer would have jurisdiction and to such other factors as may be material. Disbursement of salaries shall be made by or pursuant to the order of the Director.

“(b) Except as provided by section 8344, title 5, relating to reductions of the salaries of reemployed annuitants under subchapter III of chapter 83 of such title and unless the office has been terminated as provided in this chapter, the salary of a full-time United States magistrate shall not be reduced, during the term in which he is serving, below the salary fixed for him at the beginning of that term.

“(c) All United States magistrates, effective upon their taking the oath or affirmation of office, and all necessary clerical and secretarial assistants employed in the offices of full-time United States magistrates shall be deemed to be officers and employees in the judicial branch of the United States Government within the meaning of subsection III (relating to civil service retirement) of chapter 83, chapter 87 (relating to Federal employees' group life insurance), and chapter 89 (relating to Federal employees' health benefits program) of title 5. Part-time magistrates shall not be excluded from coverage under these chapters solely for lack of a prearranged regular tour of duty.

“§ 635. Expenses

“(a) Full-time United States magistrates serving under this chapter shall be allowed their actual and necessary expenses incurred in the performance of their duties, including the compensation of necessary clerical and secretarial assistance. Such expenses and compensation shall be determined and paid by the Director under such regulations as the Director shall prescribe with the approval of the conference. The Administrator of General Services shall provide such magistrates with necessary courtrooms, office space, furniture and facilities within United States courthouses or office buildings owned or occupied by departments or agencies of the United States, or should suitable courtroom and office space not be available within any such courthouse or office building, the Administrator of General Services, at the request of the Director, shall procure and pay for suitable courtroom and office space, furniture and facilities for such magistrate in another building, but only if such request has been approved as necessary by the judicial council of the appropriate circuit.

“(b) Under such regulations as the Director shall prescribe with the approval of the conference, the Director shall reimburse part-time magistrates for actual expenses necessarily incurred by them in the performance of their duties under this chapter. Such reimbursement may be made, at rates not exceeding those prescribed by such regulations, for expenses incurred by such part-time magistrates for clerical and secretarial assistance, stationery, telephone and other communications services, travel, and such other expenses as may be determined

80 Stat. 581;
81 Stat. 217.

5 USC 8331
et seq.

5 USC 8701
et seq.

5 USC 8901
et seq.

to be necessary for the proper performance of the duties of such officers: *Provided, however,* That no reimbursement shall be made for all or any portion of the expense incurred by such part-time magistrates for the procurement of office space.

“§ 636. Jurisdiction and powers

“(a) Each United States magistrate serving under this chapter shall have within the territorial jurisdiction prescribed by his appointment—

“(1) all powers and duties conferred or imposed upon United States commissioners by law or by the Rules of Criminal Procedure for the United States District Courts;

18 USC app.

“(2) the power to administer oaths and affirmations, impose conditions of release under section 3146 of title 18, and take acknowledgements, affidavits, and depositions; and

80 Stat. 214.

“(3) the power to conduct trials under section 3401, title 18, United States Code, in conformity with and subject to the limitations of that section.

Post, p. 1115.

“(b) Any district court of the United States, by the concurrence of a majority of all the judges of such district court, may establish rules pursuant to which any full-time United States magistrate, or, where there is no full-time magistrate reasonably available, any part-time magistrate specially designated by the court, may be assigned within the territorial jurisdiction of such court such additional duties as are not inconsistent with the Constitution and laws of the United States. The additional duties authorized by rule may include, but are not restricted to—

Note preceding
1 USC.

“(1) service as a special master in an appropriate civil action, pursuant to the applicable provisions of this title and the Federal Rules of Civil Procedure for the United States district courts;

28 USC app.

“(2) assistance to a district judge in the conduct of pretrial or discovery proceedings in civil or criminal actions; and

“(3) preliminary review of applications for posttrial relief made by individuals convicted of criminal offenses, and submission of a report and recommendations to facilitate the decision of the district judge having jurisdiction over the case as to whether there should be a hearing.

“(c) The practice and procedure for the trial of cases before officers serving under this chapter, and for the taking and hearing of appeals to the district courts, shall conform to rules promulgated by the Supreme Court pursuant to section 3402 of title 18, United States Code.

Post, p. 1116.

“(d) In a proceeding before a magistrate, any of the following acts or conduct shall constitute a contempt of the district court for the district wherein the magistrate is sitting: (1) disobedience or resistance to any lawful order, process, or writ; (2) misbehavior at a hearing or other proceeding, or so near the place thereof as to obstruct the same; (3) failure to produce, after having been ordered to do so, any pertinent document; (4) refusal to appear after having been subpoenaed or, upon appearing, refusal to take the oath or affirmation as a witness, or, having taken the oath or affirmation, refusal to be examined according to law; or (5) any other act or conduct which if committed before a judge of the district court would constitute contempt of such court. Upon the commission of any such act or conduct, the magistrate shall forthwith certify the facts to a judge of the district court and may serve or cause to be served upon any person whose behavior is brought into question under this section an order requiring such person to appear before a judge of that court upon a day certain to show cause

why he should not be adjudged in contempt by reason of the facts so certified. A judge of the district court shall thereupon, in a summary manner, hear the evidence as to the act or conduct complained of and, if it is such as to warrant punishment, punish such person in the same manner and to the same extent as for a contempt committed before a judge of the court, or commit such person upon the conditions applicable in the case of defiance of the process of the district court or misconduct in the presence of a judge of that court.

“§ 637. Training

“The Federal Judicial Center shall conduct periodic training programs and seminars for both full-time and part-time United States magistrates, including an introductory training program for new magistrates, to be held within one year after initial appointment.

“§ 638. Dockets and forms; United States Code; seals

“(a) The Director shall furnish to United States magistrates adequate docket books and forms prescribed by the Director. The Director shall also furnish to each such officer a copy of the current edition of the United States Code.

“(b) All property furnished to any such officer shall remain the property of the United States and, upon the termination of his term of office, shall be transmitted to his successor in office or otherwise disposed of as the Director orders.

“(c) The Director shall furnish to each United States magistrate appointed under this chapter an official impression seal in a form prescribed by the conference. Each such officer shall affix his seal to every jurat or certificate of his official acts without fee.

“§ 639. Definitions

“As used in this chapter—

“(1) ‘Conference’ shall mean the Judicial Conference of the United States;

“(2) ‘Council’ shall mean the Judicial Council of the Circuit;

“(3) ‘Director’ shall mean the Director of the Administrative Office of the United States Courts;

“(4) ‘Full-time magistrate’ shall mean a full-time United States magistrate;

“(5) ‘Part-time magistrate’ shall mean a part-time United States magistrate; and

“(6) ‘United States magistrate’ and ‘magistrate’ shall mean both full-time and part-time United States magistrates.”

SEC. 102. (a) The item relating to United States commissioners contained in the chapter analysis of part III, title 28, United States Code, is amended to read as follows:

“43. United States magistrates..... 631.”

(b) The item relating to United States commissioners contained in the part and chapter analysis immediately following the title caption of title 28, United States Code, is amended to read as follows:

“43. United States magistrates..... 631.”

TITLE II—ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SEC. 201. (a) Paragraph (9) of subsection (a) of section 604, title 28, United States Code, is amended by striking out the words “United States Commissioners”, and inserting in lieu thereof the words “United States magistrates”.

(b) Section 604, title 28, United States Code, is amended by adding at the end thereof the following new subsections:

62 Stat. 914.

“(d) The Director, under the supervision and direction of the conference, shall:

“(1) supervise all administrative matters relating to the offices of the United States magistrates;

“(2) gather, compile, and evaluate all statistical and other information required for the performance of his duties and the duties of the conference with respect to such officers;

“(3) lay before Congress annually statistical tables and other information which will accurately reflect the business which has come before the various United States magistrates;

“(4) prepare and distribute a manual, with annual supplements and periodic revisions, for the use of such officers, which shall set forth their powers and duties, describe all categories of proceedings that may arise before them, and contain such other information as may be required to enable them to discharge their powers and duties promptly, effectively, and impartially.

“(e) The Director may promulgate appropriate rules and regulations approved by the conference and not inconsistent with any provision of law, to assist him in the performance of the duties conferred upon him by subsection (d) of this section. Magistrates shall keep such records and make such reports as are specified in such rules and regulations”.

TITLE III—AMENDMENTS TO TITLE 18, UNITED STATES CODE

TECHNICAL AMENDMENTS

SEC. 301. (a) Except as otherwise specifically provided by this title, part II, title 18, United States Code (relating to criminal procedure) is amended by:

62 Stat. 813.
18 USC 3001 et
seq.

(1) striking out the words “United States commissioner” wherever they appear therein, and inserting in lieu thereof the words “United States magistrate”;

(2) striking out the words “United States commissioners” wherever they appear therein, and inserting in lieu thereof the words “United States magistrates”;

(3) striking out the word “commissioner” wherever it appears in relation to a United States Commissioner, and inserting in lieu thereof the word “magistrate”;

(4) striking out the word “Commissioners” wherever it appears in relation to United States commissioners, and inserting in lieu thereof the word “magistrates”.

(b) Section 202(a) of title 18, United States Code, is amended by striking out words “or a part-time United States Commissioner”, and inserting in lieu thereof the words “a part-time United States commissioner, or a part-time United States magistrate”.

76 Stat. 1121.

(c) The chapter caption of chapter 219, part II, title 18, United States Code, is amended to read as follows:

62 Stat. 830.

“Chapter 219.—TRIAL BY UNITED STATES MAGISTRATES”

TRIAL BY MAGISTRATES

SEC. 302. (a) Section 3401, title 18, United States Code, is amended to read as follows:

“§ 3401. Minor offenses; application of probation laws

“(a) When specially designated to exercise such jurisdiction by the district court or courts he serves, and under such conditions as may be

imposed by the terms of the special designation, any United States magistrate shall have jurisdiction to try persons accused of, and sentence persons convicted of, minor offenses committed within that judicial district.

“(b) Any person charged with a minor offense may elect, however, to be tried before a judge of the district court for the district in which the offense was committed. The magistrate shall carefully explain to the defendant that he has a right to trial before a judge of the district court and that he may have a right to trial by jury before such judge and shall not proceed to try the case unless the defendant, after such explanation, signs a written consent to be tried before the magistrate that specifically waives both a trial before a judge of the district court and any right to trial by jury that he may have.

“(c) A magistrate who exercises trial jurisdiction under this section, and before whom a person is convicted or pleads either guilty or nolo contendere, may, with the approval of a judge of the district court, direct the probation service of the court to conduct a presentence investigation on that person and render a report to the magistrate prior to the imposition of sentence.

“(d) The probation laws shall be applicable to persons tried by a magistrate under this section, and such officer shall have power to grant probation and to revoke or reinstate the probation of any person granted probation by him.

“(e) Proceedings before United States magistrates under this section shall be taken down by a court reporter or recorded by suitable sound recording equipment. For purposes of appeal a copy of the record of such proceedings shall be made available at the expense of the United States to a person who makes affidavit that he is unable to pay or give security therefor, and the expense of such copy shall be paid by the Director of the Administrative Office of the United States Courts.

“Minor offenses.”

“(f) As used in this section, the term ‘minor offenses’ means misdemeanors punishable under the laws of the United States, the penalty for which does not exceed imprisonment for a period of one year, or a fine of not more than \$1,000, or both, except that such term does not include any offense punishable under any of the following provisions of law: Section 102 of the Revised Statutes, as amended (2 U.S.C. 192); section 314(a) of the Federal Corrupt Practices Act, 1925 (2 U.S.C. 252(a)); and sections 210, 211, 242, 594, 597, 599, 600, 601, 1304, 1504, 1508, 1509, 2234, 2235, and 2236 of title 18, United States Code.”

(b) Section 3402, title 18, United States Code, is amended to read as follows:

“§ 3402. Rules of procedure; practice and appeal

“In all cases of conviction by a United States magistrate an appeal of right shall lie from the judgment of the magistrate to a judge of the district court of the district in which the offense was committed.

“The Supreme Court shall prescribe rules of procedure and practice for the trial of cases before magistrates and for taking and hearing of appeals to the judges of the district courts of the United States.”

(c) The item related to section 3401, title 18, United States Code, contained in the chapter analysis of chapter 219, title 18, United States Code, is amended to read as follows:

“3401. Minor offenses; application of probation laws.”

43 Stat. 1074.

62 Stat. 694.

62 Stat. 831.

PRELIMINARY EXAMINATION

SEC. 303. (a) Section 3060, title 18, United States Code, is amended to read as follows:

62 Stat. 819.

“§ 3060. Preliminary examination

“(a) Except as otherwise provided by this section, a preliminary examination shall be held within the time set by the judge or magistrate pursuant to subsection (b) of this section, to determine whether there is probable cause to believe that an offense has been committed and that the arrested person has committed it.

“(b) The date for the preliminary examination shall be fixed by the judge or magistrate at the initial appearance of the arrested person. Except as provided by subsection (c) of this section, or unless the arrested person waives the preliminary examination, such examination shall be held within a reasonable time following initial appearance, but in any event not later than—

“(1) the tenth day following the date of the initial appearance of the arrested person before such officer if the arrested person is held in custody without any provision for release, or is held in custody for failure to meet the conditions of release imposed, or is released from custody only during specified hours of the day; or

“(2) the twentieth day following the date of the initial appearance if the arrested person is released from custody under any condition other than a condition described in paragraph (1) of this subsection.

“(c) With the consent of the arrested person, the date fixed by the judge or magistrate for the preliminary examination may be a date later than that prescribed by subsection (b), or may be continued one or more times to a date subsequent to the date initially fixed therefor. In the absence of such consent of the accused, the date fixed for the preliminary hearing may be a date later than that prescribed by subsection (b), or may be continued to a date subsequent to the date initially fixed therefor, only upon the order of a judge of the appropriate United States district court after a finding that extraordinary circumstances exist, and that the delay of the preliminary hearing is indispensable to the interests of justice.

“(d) Except as provided by subsection (e) of this section, an arrested person who has not been accorded the preliminary examination required by subsection (a) within the period of time fixed by the judge or magistrate in compliance with subsections (b) and (c), shall be discharged from custody or from the requirement of bail or any other condition of release, without prejudice, however, to the institution of further criminal proceedings against him upon the charge upon which he was arrested.

“(e) No preliminary examination in compliance with subsection (a) of this section shall be required to be accorded an arrested person, nor shall such arrested person be discharged from custody or from the requirement of bail or any other condition of release pursuant to subsection (d), if at any time subsequent to the initial appearance of such person before a judge or magistrate and prior to the date fixed for the preliminary examination pursuant to subsections (b) and (c) an indictment is returned or, in appropriate cases, an information is filed against such person in a court of the United States.

“(f) Proceedings before United States magistrates under this section shall be taken down by a court reporter or recorded by suitable sound

recording equipment. A copy of the record of such proceeding shall be made available at the expense of the United States to a person who makes affidavit that he is unable to pay or give security therefor, and the expense of such copy shall be paid by the Director of the Administrative Office of the United States Courts."

(b) The item relating to section 3060 contained in the section analysis of chapter 203, title 18, United States Code, is amended to read as follows:

"3060. Preliminary examination."

TITLE IV—TRANSITIONAL PROVISIONS

APPOINTMENT OF MAGISTRATES

SEC. 401. (a) No individual may serve as a United States commissioner within any judicial district after the date on which a United States magistrate assumes office in such judicial district.

(b) An individual serving as a United States commissioner within any judicial district on the date of enactment of this Act who is a member in good standing of the bar of the highest court of any State may be appointed to the office of United States magistrate for an initial term, and may be reappointed to such office for successive terms, notwithstanding his failure to meet the bar membership qualification imposed by section 631(b)(1) of chapter 43, title 28, United States Code: *Provided, however,* That any appointment or reappointment of such an individual must be by unanimous vote of all the judges of the appointing district court or courts.

Ante, p. 1108.

APPLICABLE LAW

SEC. 402. (a) All provisions of law relating to the powers, duties, jurisdiction, functions, service, compensation, and facilities of United States commissioners, as such provisions existed on the day preceding the date of enactment of this Act, shall continue in effect in each judicial district until but not on or after (1) the date on which the first United States magistrate assumes office within such judicial district pursuant to section 631 of chapter 43, title 28, United States Code, as amended by this Act, or (2) the third anniversary of the date of enactment of this Act, whichever date is earlier.

(b) On and after the date on which the first United States magistrate assumes office within any judicial district pursuant to section 631 of chapter 43, title 28, United States Code, as amended by this Act, or the third anniversary of the date of enactment of this Act, whichever date is earlier—

(1) the provisions of chapter 43, title 28, United States Code, as amended by this Act, shall be effective within such judicial district except as otherwise specifically provided by section 401(b) of this title; and

(2) within such judicial district every reference to a United States commissioner contained in any previously enacted statute of the United States (other than sections 8331(1)(E), 8332(i), 8701(a)(7), and 8901(1)(G) of title 5), any previously promulgated rule of any court of the United States, or any previously promulgated regulation of any executive department or agency of the United States, shall be deemed to be a reference to a United

80 Stat. 565.

States magistrate duly appointed under section 631 of chapter 43, title 28, United States Code, as amended by this Act.

Ante, p. 1108.

(c) The administrative powers and duties of the Director of the Administrative Office of the United States Courts with respect to United States commissioners under the provisions of chapter 41, title 28, United States Code, as such provisions existed on the day preceding the date of enactment of this Act, shall continue in effect until no United States commissioner remains in service.

62 Stat. 913.
28 USC 601 *et seq.*

EFFECTIVE DATE

SEC. 403. Except as otherwise provided by sections 401 and 402 of this title, this Act shall take effect on the date of its enactment.

TITLE V—SEVERABILITY

SEC. 501. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of its application to other persons and circumstances shall not be affected.

Approved October 17, 1968.

Public Law 90-579

AN ACT

October 17, 1968
[S. 2439]

To increase the number and salaries of judges of the District of Columbia Court of General Sessions, the salaries of the District of Columbia Court of Appeals and the District of Columbia Tax Court, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 11-902(a) of the District of Columbia Code is amended by striking out "twenty" and inserting in lieu thereof "twenty-two".

D.C. Courts.
Judges.
77 Stat. 487;
80 Stat. 825.
78 Stat. 431.

(b) Section 11-902(d) of the District of Columbia Code is amended by striking out "\$24,000" and inserting in lieu thereof "\$28,000", and by striking out "\$23,500" and inserting in lieu thereof "\$27,500".

SEC. 2. Section 11-702(d) of the District of Columbia Code is amended by striking out "\$25,000" and inserting in lieu thereof "\$29,000", and by striking out "\$24,500" and inserting in lieu thereof "\$28,500".

SEC. 3. The first sentence of the second paragraph of section 2 of the District of Columbia Revenue Act of 1937, as amended (D.C. Code, sec. 47-2402), is amended by striking out "\$23,500" and inserting in lieu thereof "\$27,500".

SEC. 4. The amendments made by this Act shall take effect as of October 1, 1968.

Effective date.

Approved October 17, 1968.

Public Law 90-580

October 17, 1968
[H. R. 18707]

AN ACT

Making appropriations for the Department of Defense for the fiscal year ending June 30, 1969, and for other purposes.

Department of
Defense Approp-
riation Act,
1969.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1969, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere); \$8,000,000,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; \$4,235,000,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); \$1,474,000,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; \$5,680,000,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 265 and 3033 of title 10, United States Code, or while

undergoing reserve training or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, as authorized by law; \$287,200,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Naval Reserve on active duty under section 265 of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, as authorized by law; \$125,000,000.

70A Stat. 11.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve and the Marine Corps platoon leaders class on active duty under section 265 of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, as authorized by law; \$31,100,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 265 or 8033 of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Air Reserve Officers' Training Corps, as authorized by law; \$71,800,000.

81 Stat. 525.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under sections 265, 3033, or 3496 of title 10 or section 708 of title 32, United States Code, or while undergoing training or while performing drills or equivalent duty, as authorized by law; \$304,500,000: *Provided*, That obligations may be incurred under this appropriation without regard to section 107 of title 32, United States Code.

81 Stat. 524.
70A Stat. 198,
614.

70A Stat. 599.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under sections 265, 8033, or 8496 of title 10 or section 708 of title 32, United States Code, or while undergoing training or while performing drills or equivalent duty, as authorized by law; \$88,000,000: *Provided*, That obligations may be incurred under this appropriation without regard to section 107 of title 32, United States Code.

70A Stat. 524.

RETIRED PAY, DEFENSE

For retired pay and retirement pay, as authorized by law, of military personnel on the retired lists of the Army, Navy, Marine Corps, and the Air Force, including the reserve components thereof, retainer pay for personnel of the inactive Fleet Reserve, and payments under chapter 73 of title 10, United States Code; \$2,275,000,000.

10 USC 1431-
1446.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, including administration; medical and dental care of personnel entitled thereto by law or regulation (including charges of private facilities for care of military personnel on duty or leave, except elective private treatment), and other measures necessary to protect the health of the Army; care of the dead; chaplains' activities; awards and medals; welfare and recreation; recruiting expenses; transportation services; communications services; maps and similar data for military purposes; military surveys and engineering planning; repair of facilities; hire of passenger motor vehicles; tuition and fees incident to training of military personnel at civilian institutions; field exercises and maneuvers; expenses for the Reserve Officers' Training Corps and other units at educational institutions, as authorized by law; and not to exceed \$1,690,000 for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, and his determination shall be final and conclusive upon the accounting officers of the Government; \$7,805,000,000, of which not less than \$280,000,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, including aircraft and vessels; modification of aircraft, missiles, missile systems, and other ordnance; design of vessels; training and education of members of the Navy; administration; procurement of military personnel; hire of passenger motor vehicles; welfare and recreation; medals, awards, emblems, and other insignia; transportation of things (including transportation of household effects of civilian employees); industrial mobilization; medical and dental care; care of the dead; charter and hire of vessels; relief of vessels in distress; maritime salvage services; military communications facilities on merchant vessels; dissemination of scientific information; administration of patents, trademarks, and copyrights; annuity premiums and retirement benefits for civilian members of teaching services; tuition, allowances, and fees incident to training of military personnel at civilian institutions; repair of facilities; departmental salaries; conduct of schoolrooms, service clubs, chapels, and other instructional, entertainment, and welfare expenses for the enlisted men; procurement of services, special clothing, supplies, and equipment; installation of equipment in public or private plants; exploration, prospecting, conservation, development, use, and operation of the naval petroleum and oil shale reserves, as authorized by law; and not to exceed \$14,000,000 for emergency and extraordinary expenses, as authorized by section 7202 of title 10, United States Code, to be expended on the approval and authority of the Secretary and his determination shall be final and conclusive upon the accounting officers of the Government; \$5,356,200,000, of which not less than \$155,600,000 shall be available only for maintenance of real property facilities, and not to exceed \$1,490,000 may be transferred to the appropriation for "Salaries and expenses", Environmental Science Services Administration, Department of Commerce, for the current fiscal year for the operation of ocean weather stations.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, necessary for the operation and maintenance of the Marine Corps including equipment and facilities; procurement of military personnel; training and education of regular and reserve personnel, including tuition and other costs incurred at civilian schools; welfare and recreation; conduct of schoolrooms, service clubs, chapels, and other instructional, entertainment, and welfare expenses for the enlisted men; procurement and manufacture of military supplies, equipment, and clothing; hire of passenger motor vehicles; transportation of things; medals, awards, emblems, and other insignia; operation of station hospitals, dispensaries and dental clinics; and departmental salaries; \$435,700,000, of which not less than \$22,661,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation, maintenance, and administration of the Air Force, including the Air Force Reserve and the Air Reserve Officers' Training Corps; operation, maintenance, and modification of aircraft and missiles; transportation of things; repair and maintenance of facilities; field printing plants; hire of passenger motor vehicles; recruiting advertising expenses; training and instruction of military personnel of the Air Force, including tuition and related expenses; pay, allowances, and travel expenses of contract surgeons; repair of private property and other necessary expenses of combat maneuvers; care of the dead; chaplain and other welfare and morale supplies and equipment; conduct of schoolrooms, service clubs, chapels, and other instructional, entertainment, and welfare expenses for enlisted men and patients not otherwise provided for; awards and decorations; industrial mobilization, including maintenance of reserve plants and equipment and procurement planning; special services by contract or otherwise; and not to exceed \$3,311,000 for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, and his determination shall be final and conclusive upon the accounting officers of the Government; \$6,551,000,000, of which not less than \$250,000,000 shall be available only for the maintenance of real property facilities, and not to exceed \$210,000 may be transferred to the appropriation for "Salaries and expenses", Environmental Science Services Administration, Department of Commerce, for the current fiscal year, for the operation of the Marcus Island upper-air station.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments and the Office of Civil Defense), including administration; hire of passenger motor vehicles; welfare and recreation; awards and decorations; travel expenses, including expenses of temporary duty travel of military personnel; transportation of things (including transportation of household effects of civilian employees); industrial mobilization; care of the dead; dissemination of scientific information; administration of patents, trademarks, and copyrights; tuition and fees incident to the training of military personnel at civilian institutions; repair of facilities; departmental salaries; procurement of services, special clothing, supplies, and equipment; field printing plants; information and educational services for the Armed Forces; communications services; and

not to exceed \$3,390,500 for emergency and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense for such purposes as he deems appropriate, and his determination thereon shall be final and conclusive upon the accounting officers of the Government; \$1,036,800,000, of which not less than \$13,721,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personal services in the National Guard Bureau and services of personnel of the National Guard employed as civilians without regard to their military rank, and the number of caretakers authorized to be employed under provisions of law (32 U.S.C. 709), and those necessary to provide reimbursable services for the military departments, may be such as is deemed necessary by the Secretary of the Army; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard of the several States, Commonwealth of Puerto Rico, and the District of Columbia, as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); \$264,664,000, of which not less than \$1,900,000 shall be available only for the maintenance of real property facilities: *Provided*, That obligations may be incurred under this appropriation without regard to section 107 of title 32, United States Code.

70A Stat. 614.

70A Stat. 599.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things; hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard of the several States, Commonwealth of Puerto Rico, and the District of Columbia; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, of Air National Guard commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau; \$267,000,000, of which not less than \$2,750,000 shall be available only for the maintenance of real property facilities: *Provided*, That the number of caretakers authorized to be employed under the provisions of law (32 U.S.C. 709) may be such as is deemed necessary by the Secretary of the Air Force and such caretakers may be employed without regard to their military rank as members of the Air National Guard: *Provided further*, That obligations may be incurred under this appropriation without regard to section 107 of title 32, United States Code.

CLAIMS, DEFENSE

For payment, not otherwise provided for, of claims authorized by law to be paid by the Department of Defense (except for civil functions), including claims for damages arising under training contracts with carriers, and repayment of amounts determined by the Secretary concerned, or officers designated by him, to have been erroneously collected from military and civilian personnel of the Department of Defense, or from States, territories, or the District of Columbia, or members of National Guard units thereof; \$38,000,000.

CONTINGENCIES, DEFENSE

For emergencies and extraordinary expenses arising in the Department of Defense, to be expended on the approval or authority of the Secretary of Defense and such expenses may be accounted for solely on his certificate that the expenditures were necessary for confidential military purposes; \$10,000,000: *Provided*, That a report of disbursements under this item of appropriation shall be made quarterly to Congress.

Report to
Congress.

COURT OF MILITARY APPEALS, DEFENSE

For salaries and expenses necessary for the Court of Military Appeals; \$636,000.

TITLE III—PROCUREMENT

PROCUREMENT OF EQUIPMENT AND MISSILES, ARMY

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, ammunition, equipment, vehicles, vessels, and aircraft for the Army and the Reserve Officers' Training Corps; purchase of not to exceed four thousand seven hundred and twenty-four passenger motor vehicles (including seven medium sedans at not to exceed \$3,000 each) for replacement only; expenses which in the discretion of the Secretary of the Army are necessary in providing facilities for production of equipment and supplies for national defense purposes, including construction, and the furnishing of Government-owned facilities and equipment at privately owned plants; and ammunition for military salutes at institutions to which issue of weapons for salutes is authorized; \$5,031,400,000, and in addition, \$510,000,000, of which \$360,000,000 shall be derived by transfer from the Army stock fund and \$150,000,000 shall be derived by transfer from the Defense stock fund, to remain available until expended: *Provided*, That funds available under this heading shall be available to the extent of \$284,600,000 without regard to prior provisions relating to the Nike-X antiballistic missile system.

PROCUREMENT OF AIRCRAFT AND MISSILES, NAVY

For construction, procurement, production, modification, and modernization of aircraft, missiles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands, and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title by the Attorney General as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public or private plants; \$2,574,300,000, and in addition, \$440,000,000, of which \$375,000,000 shall be derived by transfer from the Navy stock fund and \$65,000,000 shall be derived by transfer from the Defense stock fund, to remain available until expended.

40 USC 255.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools, and installation thereof in public or private plants; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such land, and interests therein, may be acquired and construction prosecuted thereon prior to approval of title by the Attorney General as required by section 355, Revised Statutes, as amended; \$820,700,000, to remain available until expended: *Provided*, That none of the funds herein provided for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign shipyards for the construction of major components of the hull or superstructure of such vessel: *Provided further*, That none of the funds herein provided shall be used for the construction of any naval vessel in foreign shipyards.

40 USC 255.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment, and materials not otherwise provided for, Navy ordnance and ammunition (except ordnance for new aircraft, new ships, and ships authorized for conversion), purchase of not to exceed one thousand one hundred and fifty-eight passenger motor vehicles (including seven medium sedans at not to exceed \$3,000 each) for replacement only; alteration of vessels and necessary design therefor; expansion of public and private plants, including the land necessary therefor, and such lands, and interests therein may be acquired, and construction prosecuted thereon prior to approval of title by the Attorney General as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public or private plants; \$2,505,600,000, to remain available until expended.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, ammunition, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public or private plants, and vehicles for the Marine Corps, including purchase of not to exceed two hundred and seventy-four passenger motor vehicles (including three medium sedans at not to exceed \$3,000 each) of which two hundred and fifty shall be for replacement only; \$670,000,000, and in addition, \$10,000,000 which shall be derived by transfer from the Defense stock fund, to remain available until expended.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft, and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such land, and interests therein, may be acquired and construction prosecuted thereon prior to the approval of title by the

70A Stat. 590.

Attorney General as required by section 355, Revised Statutes, as amended; reserve plant and equipment layaway; and other expenses necessary for the foregoing purposes, including rents and transportation of things; and \$55,000,000 of the funds available under this head shall be available only for the F-12 aircraft program; \$3,860,000,000, and, in addition, \$600,000,000, of which \$525,000,000 shall be derived by transfer from the Air Force stock fund and \$75,000,000 shall be derived by transfer from the Defense stock fund, to remain available until expended.

40 USC 255.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such land, and interests therein, may be acquired and construction prosecuted thereon prior to the approval of title by the Attorney General as required by section 355, Revised Statutes, as amended; reserve plant and equipment layaway; and other expenses necessary for the foregoing purposes, including rents and transportation of things; \$1,720,200,000, to remain available until expended.

70A Stat. 590.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed one thousand five hundred and twenty passenger motor vehicles (including eleven medium sedans at not to exceed \$3,000 each) for replacement only; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such land, and interests therein, may be acquired and construction prosecuted thereon prior to the approval of title by the Attorney General as required by section 355, Revised Statutes, as amended; \$2,718,000,000, to remain available until expended.

PROCUREMENT, DEFENSE AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments and the Office of Civil Defense) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; purchase of one hundred and seventy-four passenger motor vehicles for replacement only (including two medium sedans at not to exceed \$3,000 each); expansion of public and private plants, equipment and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such land and interest therein may be acquired and construction prosecuted thereon prior to the approval of title by the Attorney General as required by section 355, Revised Statutes, as amended; \$81,700,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST, AND
EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$1,522,665,000, to remain available until expended.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$2,141,339,000, to remain available until expended.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$3,364,724,000, to remain available until expended.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments and the Office of Civil Defense), necessary for basic and applied scientific research, development, test, and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law, to remain available until expended; \$472,600,000: *Provided*, That such amounts as may be determined by the Secretary of Defense to have been made available in other appropriations available to the Department of Defense during the current fiscal year for programs related to advanced research may be transferred to and merged with this appropriation to be available for the same purposes and time period: *Provided further*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to carry out the purposes of advanced research to those appropriations for military functions under the Department of Defense which are being utilized for related programs, to be merged with and to be available for the same time period as the appropriation to which transferred.

Transfer of
funds.

EMERGENCY FUND, DEFENSE

For transfer by the Secretary of Defense, with the approval of the Bureau of the Budget, to any appropriation for military functions under the Department of Defense available for research, development, test, and evaluation, or procurement or production related thereto, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation to which transferred; \$50,000,000, and, in addition, not to exceed \$150,000,000, to be used upon determination by the Secretary of Defense that such funds can be wisely, profitably, and practically used in the interest of national defense and to be derived by transfer from such appropriations avail-

able to the Department of Defense for obligation during the current fiscal year as the Secretary of Defense may designate: *Provided*, That any appropriations transferred shall not exceed 7 per centum of the appropriation from which transferred.

TITLE V

GENERAL PROVISIONS

SEC. 501. During the current fiscal year, the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force, respectively, if they should deem it advantageous to the national defense, and if in their opinions the existing facilities of the Department of Defense are inadequate, are authorized to procure services in accordance with 5 U.S.C. 3109, under regulations prescribed by the Secretary of Defense, and to pay in connection therewith travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty station and return as may be authorized by law: *Provided*, That such contracts may be renewed annually.

Experts or consultants.

80 Stat. 416.

SEC. 502. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense.

Employment of noncitizens.

SEC. 503. Appropriations contained in this Act shall be available for insurance of official motor vehicles in foreign countries, when required by laws of such countries; payments in advance of expenses determined by the investigating officer to be necessary and in accord with local custom for conducting investigations in foreign countries incident to matters relating to the activities of the department concerned; reimbursement of General Services Administration for security guard services for protection of confidential files; reimbursement of the Federal Bureau of Investigation for expenses in connection with investigation of defense contractor personnel; and all necessary expenses, at the seat of government of the United States of America or elsewhere, in connection with communication and other services and supplies as may be necessary to carry out the purposes of this Act: *Provided*, That no appropriation contained in this Act, and no funds available from prior appropriations to component departments and agencies of the Department of Defense, shall be used to pay tuition or to make other payments to educational institutions in connection with the instruction or training of file clerks, stenographers, and typists receiving, or prospective file clerks, stenographers, and typists who will receive compensation at a rate below the minimum rate of pay for positions allocated to grade GS-5 under the Classification Act of 1949, as amended.

Appropriations, availability.

5 USC 5332 note.

Prisoners of war, etc.

SEC. 504. Any appropriation available to the Army, Navy, or the Air Force may, under such regulations as the Secretary concerned may prescribe, be used for expenses incident to the maintenance, pay, and allowances of prisoners of war, other persons in Army, Navy, or Air Force custody whose status is determined by the Secretary concerned to be similar to prisoners of war, and persons detained in such custody pursuant to Presidential proclamation.

SEC. 505. Appropriations available to the Department of Defense for the current fiscal year for maintenance or construction shall be available for acquisition of land as authorized by section 2672 of title 10, United States Code.

Land acquisition.

SEC. 506. Appropriations for the Department of Defense for the current fiscal year shall be available, (a) except as authorized by the Act of September 30, 1950 (20 U.S.C. 236-244), for primary and secondary schooling for minor dependents of military and civilian personnel of the Department of Defense residing on military or naval

72 Stat. 1459;

76 Stat. 511.

Dependents' schooling.

64 Stat. 1100;

79 Stat. 27;

81 Stat. 783.

70A Stat. 442. installations or stationed in foreign countries, as authorized for the Navy by section 7204 of title 10, United States Code, in amounts not exceeding \$112,400,000, when the Secretary of the Department concerned finds that schools, if any, available in the locality, are unable to provide adequately for the education of such dependents; (b) for expenses in connection with administration of occupied areas; (c) for payment of rewards as authorized for the Navy by section 7209 (a) of title 10, United States Code, for information leading to the discovery of missing naval property or the recovery thereof; (d) for payment of deficiency judgments and interests thereon arising out of condemnation proceedings; (e) for leasing of buildings and facilities including payment of rentals for special purpose space at the seat of government and, in the conduct of field exercises and maneuvers or, in administering the provisions of 43 U.S.C. 315q, rentals may be paid in advance; (f) payments under contracts for maintenance of tools and facilities for twelve months beginning at any time during the fiscal year; (g) maintenance of Defense access roads certified as important to national defense in accordance with section 210 of title 23, United States Code; (h) for the purchase of milk for enlisted personnel of the Department of Defense heretofore made available pursuant to section 1446a, title 7, United States Code, and the cost of milk so purchased, as determined by the Secretary of Defense, shall be included in the value of the commuted ration; (i) transporting civilian clothing to the home of record of selective service inductees and recruits on entering the military services; (j) payments under leases for real or personal property for twelve months beginning at any time during the fiscal year.

Occupied areas.

Deficiency judgments.

Leasing.

56 Stat. 654. Tools, maintenance.

Access roads.

72 Stat. 908. Milk program.

68 Stat. 900; 81 Stat. 464.

Articles for prisoners, etc.

SEC. 507. Appropriations for the Department of Defense for the current fiscal year shall be available for: (a) donations of not to exceed \$25 to each prisoner upon each release from confinement in military or contract prison and to each person discharged for fraudulent enlistment; (b) authorized issues of articles to prisoners, applicants for enlistment and persons in military custody; (c) subsistence of selective service registrants called for induction, applicants for enlistment, prisoners, civilian employees as authorized by law, and supernumeraries when necessitated by emergent military circumstances; (d) reimbursement for subsistence of enlisted personnel while sick in hospitals; (e) expenses of prisoners confined in nonmilitary facilities; (f) military courts, boards, and commissions; (g) utility services for buildings erected at private cost, as authorized by law, and buildings on military reservations authorized by regulations to be used for welfare and recreational purposes; (h) exchange fees, and losses in the accounts of disbursing officers or agents in accordance with law; (i) expenses of Latin-American cooperation as authorized for the Navy by law (10 U.S.C. 7208); and (j) expenses of apprehension and delivery of deserters, prisoners, and members absent without leave, including payment of rewards of not to exceed \$25 in any one case.

Assistance to small business.

SEC. 508. Insofar as practicable, the Secretary of Defense shall assist American small business to participate equitably in the furnishing of commodities and services financed with funds appropriated under this Act by making available or causing to be made available to suppliers in the United States, and particularly to small independent enterprises, information, as far in advance as possible, with respect to purchases proposed to be financed with funds appropriated under this Act, and by making available or causing to be made available to purchasing and contracting agencies of the Department of Defense information as to commodities and services produced and furnished by small independent enterprises in the United States, and by otherwise helping to give small business an opportunity to participate in the furnishing of commodities and services financed with funds appropriated by this Act.

SEC. 509. No appropriation contained in this Act shall be available for expenses of operation of messes (other than organized messes the operating expenses of which are financed principally from nonappropriated funds) at which meals are sold to officers or civilians except under regulations approved by the Secretary of Defense, which shall (except under unusual or extraordinary circumstances) establish rates for such meals sufficient to provide reimbursement of operating expenses and food costs to the appropriations concerned: *Provided*, That officers and civilians in a travel status receiving a per diem allowance in lieu of subsistence shall be charged at the rate of not less than \$2.50 per day: *Provided further*, That for the purposes of this section payments for meals at the rates established hereunder may be made in cash or by deduction from the pay of civilian employees: *Provided further*, That members of organized nonprofit youth groups sponsored at either the national or local level, when extended the privilege of visiting a military installation and permitted to eat in the general mess by the commanding officer of the installation, shall pay the commuted ration cost of such meal or meals.

Mess operations.

SEC. 510. No part of any appropriation contained in this Act shall be available until expended unless expressly so provided elsewhere in this or some other appropriation Act.

SEC. 511. Appropriations of the Department of Defense available for operation and maintenance, may be reimbursed during the current fiscal year for all expenses involved in the preparation for disposal and for the disposal of military supplies, equipment, and materiel, and for all expenses of production of lumber or timber products pursuant to section 2665 of title 10, United States Code, from amounts received as proceeds from the sale of any such property: *Provided*, That a report of receipts and disbursements under this limitation shall be made quarterly to Congress: *Provided further*, That no funds available to agencies of the Department of Defense shall be used for the operation, acquisition, or construction of new facilities or equipment for new facilities in the continental limits of the United States for metal scrap baling or shearing or for melting or sweating aluminum scrap unless the Secretary of Defense or an Assistant Secretary of Defense designated by him determines, with respect to each facility involved, that the operation of such facility is in the national interest.

Reimbursable appropriations.

70A Stat. 149.

Report to Congress.

SEC. 512. (a) During the current fiscal year, the President may exempt appropriations, funds, and contract authorizations, available for military functions under the Department of Defense, from the provisions of subsection (c) of section 3679 of the Revised Statutes, as amended, whenever he deems such action to be necessary in the interests of national defense.

Apportionment of funds, exemption.

31 USC 665.

(b) Upon determination by the President that such action is necessary, the Secretary of Defense is authorized to provide for the cost of an airborne alert as an excepted expense in accordance with the provisions of Revised Statutes 3732 (41 U.S.C. 11).

Airborne alert expenses.

(c) Upon determination by the President that it is necessary to increase the number of military personnel on active duty beyond the number for which funds are provided in this Act, the Secretary of Defense is authorized to provide for the cost of such increased military personnel, as an excepted expense in accordance with the provisions of Revised Statutes 3732 (41 U.S.C. 11).

Increased military personnel, expenses.

(d) The Secretary of Defense shall immediately advise Congress of the exercise of any authority granted in this section, and shall report monthly on the estimated obligations incurred pursuant to subsections (b) and (c).

Report to Congress.

Commissary
stores.

SEC. 513. No appropriation contained in this Act shall be available in connection with the operation of commissary stores of the agencies of the Department of Defense for the cost of purchase (including commercial transportation in the United States to the place of sale but excluding all transportation outside the United States) and maintenance of operating equipment and supplies, and for the actual or estimated cost of utilities as may be furnished by the Government and of shrinkage, spoilage, and pilferage of merchandise under the control of such commissary stores, except as authorized under regulations promulgated by the Secretaries of the military departments concerned, with the approval of the Secretary of Defense, which regulations shall provide for reimbursement therefor to the appropriations concerned and, notwithstanding any other provision of law, shall provide for the adjustment of the sales prices in such commissary stores to the extent necessary to furnish sufficient gross revenue from sales of commissary stores to make such reimbursement: *Provided*, That under such regulations as may be issued pursuant to this section all utilities may be furnished without cost to the commissary stores outside the continental United States and in Alaska: *Provided further*, That no appropriation contained in this Act shall be available in connection with the operation of commissary stores within the continental United States unless the Secretary of Defense has certified that items normally procured from commissary stores are not otherwise available at a reasonable distance and a reasonable price in satisfactory quality and quantity to the military and civilian employees of the Department of Defense.

Free utilities
outside U.S. and
in Alaska.

Proficiency
flying.

SEC. 514. Notwithstanding any other provision of law, Executive order, or regulation, no part of the appropriations in this Act shall be available for any expenses of operating aircraft under the jurisdiction of the Armed Forces for the purpose of proficiency flying except in accordance with the regulations issued by the Secretaries of the Departments concerned and approved by the Secretary of Defense which shall establish proficiency standards and maximum and minimum flying hours for this purpose: *Provided*, That without regard to any provision of law or Executive order prescribing minimum flight requirements, such regulations may provide for the payment of flight pay at the rates prescribed in section 301 of title 37, United States Code, to certain members of the Armed Forces otherwise entitled to receive flight pay during the current fiscal year (1) who have held aeronautical ratings or designations for not less than fifteen years, or (2) whose particular assignment outside the United States or in Alaska makes it impractical to participate in regular aerial flights.

76 Stat. 461.

Household
goods.

SEC. 515. No part of any appropriation contained in this Act shall be available for expense of transportation, packing, crating, temporary storage, drayage, and unpacking of household goods and personal effects in any one shipment having a net weight in excess of thirteen thousand five hundred pounds.

Vessels,
transfer.

SEC. 516. Vessels under the jurisdiction of the Department of Commerce, the Department of the Army, Department of the Air Force, or the Department of the Navy may be transferred or otherwise made available without reimbursement to any such agencies upon the request of the head of one agency and the approval of the agency having jurisdiction of the vessels concerned.

Legal training,
restriction.

SEC. 517. None of the funds provided in this Act shall be available for training in any legal profession nor for the payment of tuition for training in such profession: *Provided*, That this limitation shall not apply to the off-duty training of military personnel as prescribed by section 521 of this Act.

SEC. 518. Not more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of civilian components or summer-camp training of the Reserve Officers' Training Corps.

Obligated
funds, 1969.

SEC. 519. During the current fiscal year the agencies of the Department of Defense may accept the use of real property from foreign countries for the United States in accordance with mutual defense agreements or occupational arrangements and may accept services furnished by foreign countries as reciprocal international courtesies or as services customarily made available without charge; and such agencies may use the same for the support of the United States forces in such areas without specific appropriation therefor.

Use of foreign
real property.

In addition to the foregoing, agencies of the Department of Defense may accept real property, services, and commodities from foreign countries for the use of the United States in accordance with mutual defense agreements or occupational arrangements and such agencies may use the same for the support of the United States forces in such areas, without specific appropriations therefor: *Provided*, That within thirty days after the end of each quarter the Secretary of Defense shall render to Congress and to the Bureau of the Budget a full report of such property, supplies, and commodities received during such quarter.

Report to
Congress and
Budget Bureau.

SEC. 520. During the current fiscal year, appropriations available to the Department of Defense for research and development may be used for the purposes of section 2353 of title 10, United States Code, and for purposes related to research and development for which expenditures are specifically authorized in other appropriations of the service concerned.

Research and
development
funds.
70A Stat. 134.

SEC. 521. No appropriation contained in this Act shall be available for the payment of more than 75 per centum of charges of educational institutions for tuition or expenses for off-duty training of military personnel, nor for the payment of any part of tuition or expenses for such training for commissioned personnel who do not agree to remain on active duty for two years after completion of such training.

Tuition pay-
ments, etc.,
restriction.

SEC. 522. No part of the funds appropriated herein shall be expended for the support of any formally enrolled student in basic courses of the senior division, Reserve Officers' Training Corps, who has not executed a certificate of loyalty or loyalty oath in such form as shall be prescribed by the Secretary of Defense.

ROTC, loyalty
requirements.

SEC. 523. No part of any appropriation contained in this Act shall be available for the procurement of any article of food, clothing, cotton, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles) not grown, reprocessed, reused, or produced in the United States or its possessions, except to the extent that the Secretary of the Department concerned shall determine that a satisfactory quality and sufficient quantity of any articles of food or clothing or any form of cotton, woven silk and woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, or wool grown, reprocessed, reused, or produced in the United States or its possessions cannot be procured as and when needed at United States market prices and except procurements outside the United States in support of combat operations, procurements by vessels in foreign waters and emergency procurements or procurements of perishable foods by establishments located outside the United States for the personnel attached thereto: *Provided*, That nothing herein shall preclude the procurement of foods manufactured or processed in the United States

Procurement
restrictions.

or its possessions: *Provided further*, That no funds herein appropriated shall be used for the payment of a price differential on contracts hereafter made for the purpose of relieving economic dislocations: *Provided further*, That none of the funds appropriated in this Act shall be used except that, so far as practicable, all contracts shall be awarded on a formally advertised competitive bid basis to the lowest responsible bidder.

Bakery,
laundry facilities.

SEC. 524. None of the funds appropriated in this Act shall be used for the construction, replacement, or reactivation of any bakery, laundry, or dry-cleaning facility in the United States, its Territories or possessions, as to which the Secretary of Defense does not certify in writing, giving his reasons therefor, that the services to be furnished by such facilities are not obtainable from commercial sources at reasonable rates.

Airmail, re-
imbursement.

SEC. 525. During the current fiscal year, appropriations of the Department of Defense shall be available for reimbursement to the Post Office Department for payment of costs of commercial air transportation of military mail between the United States and foreign countries.

Furnishings,
automobiles,
purchase.

SEC. 526. Appropriations contained in this Act shall be available for the purchase of household furnishings, house trailers (for the purpose of relieving unusual individual losses occasioned by the relocation of personnel from installations in France), and automobiles from military and civilian personnel on duty outside the continental United States, for the purpose of resale at cost to incoming personnel, and for providing furnishings, without charge, in other than public quarters occupied by military or civilian personnel of the Department of Defense on duty outside the continental United States or in Alaska, upon a determination, under regulations approved by the Secretary of Defense, that such action is advantageous to the Government.

Uniforms.

SEC. 527. During the current fiscal year, appropriations available to the Department of Defense for pay of civilian employees shall be available for uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901; 80 Stat. 508).

81 Stat. 206.

Ammunition,
transfer.

SEC. 528. During the current fiscal year, the Secretary of Defense shall, upon requisition of the National Board for the Promotion of Rifle Practice, and without reimbursement, transfer from agencies of the Department of Defense to the Board ammunition from stock or which has been procured for the purpose in such amounts as he may determine.

Travel ex-
penses.

Such appropriations of the Department of Defense available for obligation during the current fiscal year as may be designated by the Secretary of Defense shall be available for the travel expenses of military and naval personnel, including the reserve components, and members of the Reserve Officers' Training Corps attending regional, national, or international rifle matches.

Congressional
liaison activ-
ities.

SEC. 529. Funds provided in this Act for congressional liaison activities of the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Office of the Secretary of Defense shall not exceed \$950,000: *Provided*, That this amount shall be available for apportionment to the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Office of the Secretary of Defense as determined by the Secretary of Defense.

Civil reserve
air fleet.

SEC. 530. Of the funds made available by this Act for the services of the Military Airlift Command, \$100,000,000 shall be available only for procurement of commercial transportation service from carriers participating in the civil reserve air fleet program; and the Secretary of

Defense shall utilize the services of such carriers which qualify as small businesses to the fullest extent found practicable: *Provided*, That the Secretary of Defense shall specify in such procurement, performance characteristics for aircraft to be used based upon modern aircraft operated by the civil air fleet.

SEC. 531. Not less than \$7,500,000 of the funds made available in this Act for travel expenses in connection with temporary duty and permanent change of station of civilian and military personnel of the Department of Defense shall be available only for the procurement of commercial passenger sea transportation service on American-flag vessels.

Sea transportation.

SEC. 532. During the current fiscal year, appropriations available to the Department of Defense for operation may be used for civilian clothing, not to exceed \$40 in cost for enlisted personnel: (1) discharged for misconduct, unfitness, unsuitability, or otherwise than honorably; (2) sentenced by a civil court to confinement in a civil prison or interned or discharged as an alien enemy; (3) discharged prior to completion of recruit training under honorable conditions for dependency, hardship, minority, disability, or for the convenience of the Government.

Civilian clothing.

SEC. 533. No part of the funds appropriated herein shall be available for paying the costs of advertising by any defense contractor, except advertising for which payment is made from profits, and such advertising shall not be considered a part of any defense contract cost. The prohibition contained in this section shall not apply with respect to advertising conducted by any such contractor, in compliance with regulations which shall be promulgated by the Secretary of Defense, solely for (1) the recruitment by that contractor of personnel required for the performance by the contractor of obligations under a defense contract, (2) the procurement of scarce items required by the contractor for the performance of a defense contract, or (3) the disposal of scrap or surplus materials acquired by the contractor in the performance of a defense contract.

Defense contractors.
Advertising costs, prohibition.

SEC. 534. Funds appropriated in this Act for maintenance and repair of facilities and installations shall not be available for acquisition of new facilities, or alteration, expansion, extension, or addition of existing facilities, as defined in Department of Defense Directive 7040.2, dated January 18, 1961, in excess of \$25,000: *Provided*, That the Secretary of Defense may amend or change the said directive during the current fiscal year, consistent with the purpose of this section.

New facilities, restriction.

SEC. 535. During the current fiscal year, the Secretary of Defense may, if he deems it vital to the security of the United States and in the national interest to further improve the readiness of the Armed Forces, including the reserve components, transfer under the authority and terms of the Emergency Fund an additional \$200,000,000: *Provided*, That the transfer authority made available under the terms of the Emergency Fund appropriation contained in this Act is hereby broadened to meet the requirements of this section: *Provided further*, That the Secretary of Defense shall notify Congress promptly of all transfers made pursuant to this authority.

Transfer of funds, authority.

SEC. 536. None of the funds appropriated in this Act may be used to make payments under contracts for any program, project, or activity in a foreign country unless the Secretary of Defense or his designee, after consultation with the Secretary of the Treasury or his designee, certifies to the Congress that the use, by purchase from the Treasury, of currencies of such country acquired pursuant to law is not feasible for the purpose, stating the reason therefor.

Report to Congress.

Contract payments in foreign countries.

Vietnamese
forces, etc.,
support.

SEC. 537. (a) Appropriations available to the Department of Defense during the current fiscal year shall be available for their stated purposes to support: (1) Vietnamese and other free world forces in Vietnam; (2) local forces in Laos and Thailand; and for related costs, on such terms and conditions as the Secretary of Defense may determine.

Report to
Congress.

(b) Within thirty days after the end of each quarter, the Secretary of Defense shall render to Congress a report with respect to the estimated value by purpose, by country, of support furnished from such appropriations.

Working capital
funds.

76 Stat. 521.

SEC. 538. (a) During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds in such amounts as may be determined by the Secretary of Defense, with the approval of the Bureau of the Budget.

Payments pro-
hibited to con-
victed rioters.

SEC. 539. No part of the funds appropriated under this Act shall be used to pay salaries of any Federal employee who is convicted in any Federal, State, or local court of competent jurisdiction, of inciting, promoting, or carrying on a riot, or any group activity resulting in material damage to property or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned.

Loans and
grants, pro-
hibition.

SEC. 540. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan or a grant to any applicant who has been convicted by any court of general jurisdiction of any crime which involves the use of or the assistance to others in the use of force, trespass or the seizure of property under control of an institution of higher education to prevent officials or students at such an institution from engaging in their duties or pursuing their studies.

Federal em-
ployees limitation,
exception.

Ante, p. 270.

SEC. 541. Effective on the date of enactment of this Act—

(1) The provisions of section 201 of the Revenue and Expenditure Control Act of 1968 shall not apply with respect to those employees of the Department of Defense in positions established after June 30, 1966, in support of Southeast Asia operations and scheduled for abolition on termination of those operations: *Provided*, That this paragraph shall apply to not more than one hundred and fifty thousand of such employees: *Provided further*, That this paragraph shall apply only to those employees stationed in the Southeast Asia Theater of Operations.

(2) In applying the provisions of such section to the departments and agencies in the executive branch those employees (not exceeding one hundred and fifty thousand) covered by (1) above shall not be taken into account.

Ante, p. 270.

(3) Notwithstanding the provisions of section 201(a) of the Revenue and Expenditure Control Act of 1968, employment in temporary and part-time positions in the Department of Defense may be programed on an annual basis in an average number not exceeding the average number of such employees during 1967.

Short title.

SEC. 542. This Act may be cited as the "Department of Defense Appropriation Act, 1969".

Approved October 17, 1968.

Public Law 90-581

AN ACT

Making appropriations for Foreign Assistance and related agencies for the fiscal year ending June 30, 1969, and for other purposes.

October 17, 1968
[H. R. 19908]

Foreign Assistance and Related Agencies Appropriation Act, 1969.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Foreign Assistance and related agencies for the fiscal year ending June 30, 1969, and for other purposes, namely:

TITLE I—FOREIGN ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, as amended, to remain available until June 30, 1969, unless otherwise specified herein, as follows:

75 Stat. 424.
22 USC 2151
note.

ECONOMIC ASSISTANCE

Technical cooperation and development grants: For expenses authorized by section 212, \$167,000,000: *Provided*, That no part of this appropriation shall be used to initiate any project or activity which has not been justified to the Congress.

Ante, p. 960.

American schools and hospitals abroad: For expenses authorized by section 214(c), \$14,600,000.

American schools and hospitals abroad (special foreign currency program): For assistance authorized by section 214(d), \$5,100,000 in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

International organizations and programs: For expenses authorized by section 302(a), \$125,000,000: *Provided*, That the President shall seek to assure that no contribution to the United Nations Development Program authorized by the Foreign Assistance Act of 1961, as amended, shall be used for projects for economic or technical assistance to the Government of Cuba, so long as Cuba is governed by the Castro regime: *Provided further*, That no part of this appropriation shall be used to initiate any project, activity, or program which has not been justified to the Congress.

Ante, p. 962.
Assistance to
Cuba, restriction.

International organizations and programs: For expenses authorized by section 302(d), \$1,000,000.

International organizations and programs, loans: For expenses authorized by section 302(b), \$12,000,000, to remain available until expended.

Indus Basin
Development.
81 Stat. 454.
22 USC 2222.
Ante, p. 962.

Supporting assistance: For expenses authorized by section 402, \$365,000,000.

Contingency fund: For expenses authorized by section 451(a), \$5,000,000.

Alliance for Progress, technical cooperation and development grants: For expenses authorized by section 252(a), \$81,500,000, of which not less than \$350,000 shall be available only for the Partners of the Alliance: *Provided*, That no part of this appropriation shall be used to initiate any project or activity which has not been justified to the Congress.

Ante, p. 961.

Alliance for Progress, development loans: For expenses authorized by section 252(a), \$255,000,000, together with such dollar amounts as

22 USC 2213.

Ante, p. 960.

22 USC 2163.

22 USC 2165.

Ante, p. 965.

22 USC 2397.

22 USC 1613d.

Unobligated
balances, con-
tinued availabil-
ity.68 Stat. 830.
31 USC 200.Notifications of
congressional
committees.

are authorized to be made available for assistance under section 253, all such amounts to remain available until expended.

Development loans: For expenses authorized by section 202(a), \$300,000,000, together with such amounts as are authorized to be made available for expenses under section 203, all such amounts to remain available until expended: *Provided*, That no part of this appropriation may be used to carry out the provisions of section 205 of the Foreign Assistance Act of 1961, as amended.

Administrative expenses: For expenses authorized by section 637 (a), \$51,000,000.

Administrative and other expenses: For expenses authorized by section 637 (b) of the Foreign Assistance Act of 1961, as amended, and by section 305 of the Mutual Defense Assistance Control Act of 1951, as amended, \$3,500,000.

Unobligated balances as of June 30, 1968, of funds heretofore made available under the authority of the Foreign Assistance Act of 1961, as amended, except as otherwise provided by law, are hereby continued available for the fiscal year 1969, for the same general purposes for which appropriated and amounts certified pursuant to section 1311 of the Supplemental Appropriation Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961, as amended, for the same general purpose as any of the subparagraphs under "Economic Assistance", are hereby continued available for the same period as the respective appropriations in such subparagraphs for the same general purpose: *Provided*, That such purpose relates to a project or program previously justified to Congress and the Committees on Appropriations of the House of Representatives and the Senate are notified prior to the reobligation of funds for such projects or programs.

MILITARY ASSISTANCE

Ante, p. 962.

Ante, p. 965.

Assistance to
underdeveloped
countries, restric-
tion.Reports to
Congress.

Military assistance: For expenses authorized by section 504(a) of the Foreign Assistance Act of 1961, as amended, including administrative expenses authorized by section 636(g) (1) of such Act, which shall not exceed \$21,000,000 for the current fiscal year, and purchase of passenger motor vehicles for replacement only for use outside the United States, \$375,000,000: *Provided*, That none of the funds contained in this paragraph shall be available for the purchase of new automotive vehicles outside of the United States: *Provided further*, That none of the funds appropriated in this paragraph shall be used to furnish sophisticated weapons systems, such as missile systems and jet aircraft for military purposes, to any underdeveloped country, unless the President determines that the furnishing of such weapons systems is important to the national security of the United States and reports within thirty days each such determination to the Congress: *Provided further*, That the military assistance program for any country shall not be increased beyond the amount justified to the Congress, unless the President determines that an increase in such program is essential to the national interest of the United States and reports each such determination to the House of Representatives and the Senate within thirty days after each such determination.

GENERAL PROVISIONS

Flood control
and related proj-
ects.

SEC. 101. None of the funds herein appropriated (other than funds appropriated under the authorization for "International organizations and programs") shall be used to finance the construction of any new flood control, reclamation, or other water or related land resource project or program which has not met the standards and criteria used

in determining the feasibility of flood control, reclamation, and other water and related land resource programs and projects proposed for construction within the United States of America as per memorandum of the President dated May 15, 1962.

SEC. 102. Obligations made from funds herein appropriated for engineering and architectural fees and services to any individual or group of engineering and architectural firms on any one project in excess of \$25,000 shall be reported to the Senate and House of Representatives at least twice annually.

Reports to Congress.

SEC. 103. Except for the appropriations entitled "Contingency Fund", "Alliance for Progress, development loans", and "Development loans", not more than 20 per centum of any appropriation item made available by this title shall be obligated and/or reserved during the last month of availability.

Obligation of funds.—
Restriction.

SEC. 104. None of the funds herein appropriated nor any of the counterpart funds generated as a result of assistance hereunder or any prior Act shall be used to pay pensions, annuities, retirement pay, or adjusted service compensation for any persons heretofore or hereafter serving in the armed forces of any recipient country.

Annuities of military personnel of recipient countries.

SEC. 105. The Congress hereby reiterates its opposition to the seating in the United Nations of the Communist China regime as the representative of China, and it is hereby declared to be the continuing sense of Congress that the Communist regime in China has not demonstrated its willingness to fulfill the obligations contained in the Charter of the United Nations and should not be recognized to represent China in the United Nations. In the event of the seating of representatives of the Chinese Communist regime in the Security Council or General Assembly of the United Nations, the President is requested to inform the Congress, insofar as is compatible with the requirements of national security, of the implications of this action upon the foreign policy of the United States and our foreign relationships, including that created by membership in the United Nations, together with any recommendations which he may have with respect to the matter.

Communist China.

SEC. 106. It is the sense of Congress that any attempt by foreign nations to create distinctions because of their race or religion among American citizens in the granting of personal or commercial access or any other rights otherwise available to the United States citizens generally is repugnant to our principles; and in all negotiations between the United States and any foreign state arising as a result of funds appropriated under this title these principles shall be applied as the President may determine.

Racial and religious discrimination.

SEC. 107. (a) No assistance shall be furnished under the Foreign Assistance Act of 1961, as amended, to any country which sells, furnishes, or permits any ships under its registry to carry to Cuba, so long as it is governed by the Castro regime, in addition to those items contained on the list maintained by the Administrator pursuant to title I of the Mutual Defense Assistance Control Act of 1951, as amended, any arms, ammunition, implements of war, atomic energy materials, or any other articles, materials, or supplies of primary strategic significance used in the production of arms, ammunition, and implements of war or of strategic significance to the conduct of war, including petroleum products.

22 USC 2151
note.

22 USC 1611
note.

(b) No economic assistance shall be furnished under the Foreign Assistance Act of 1961, as amended, to any country which sells, furnishes, or permits any ships under its registry to carry items of economic assistance to Cuba, so long as it is governed by the Castro regime, or to North Vietnam.

SEC. 108. Any expenditure made from funds provided in this title for procurement outside the United States of any commodity in bulk

Reports to Congress.

and in excess of \$100,000 shall be reported to the Senate and the House of Representatives at least twice annually: *Provided*, That each such report shall state the reasons for which the President determined, pursuant to criteria set forth in section 604(a) of the Foreign Assistance Act of 1961, as amended, that foreign procurement will not result in adverse effects upon the economy of the United States or the industrial mobilization base which outweigh the economic or other advantages to the United States of less costly procurement outside the United States.

22 USC 2354.

Materials of
strategic value.

22 USC 2151
note.

22 USC 1611
note.

Communist
countries.

22 USC 2174.

Reports to
Congress.
Publication in
Federal Register.

Contracts.
Termination pro-
vision.

Citizens em-
ployed outside
U.S.

SEC. 109. (a) No assistance shall be furnished to any nation, whose government is based upon that theory of government known as communism, under the Foreign Assistance Act of 1961, as amended, for any arms, ammunition, implements of war, atomic energy materials, or any articles, materials, or supplies, such as petroleum, transportation materials of strategic value, and items of primary strategic significance used in the production of arms, ammunition, and implements of war, contained on the list maintained by the Administrator pursuant to title I of the Mutual Defense Assistance Control Act of 1951, as amended.

(b) No economic assistance shall be furnished to any nation, whose government is based upon that theory of government known as communism, under the Foreign Assistance Act of 1961, as amended (except section 214(b)), unless the President determines that the withholding of such assistance would be contrary to the national interest and reports such determination to the House of Representatives and the Senate. Reports made pursuant to this subsection shall be published in the Federal Register within seven days of submission to the Congress and shall contain a statement by the President of the reasons for such determination.

SEC. 110. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be used for making payments on any contract for procurement to which the United States is a party entered into after the date of enactment of this Act which does not contain a provision authorizing the termination of such contract for the convenience of the United States.

SEC. 111. None of the funds appropriated or made available by this or any predecessor Act for the years subsequent to fiscal year 1962 for carrying out the Foreign Assistance Act of 1961, as amended, may be used to make payments with respect to any contract for the performance of services outside the United States by United States citizens unless the President shall have promulgated regulations that provide for the investigation of such citizens for loyalty and security to the extent necessary to protect the security and other interests of the United States: *Provided*, That such regulations shall require that any such United States citizen who will have access, in connection with the performance of such services, to information or material classified for security reasons shall be subject to such investigation as may otherwise be provided by law and executive order.

SEC. 112. None of the funds appropriated or made available under this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be used to make payments with respect to any capital project financed by loans or grants from the United States where the United States has not directly approved the terms of the contracts and the firms to provide engineering, procurement, and construction services on such projects.

SEC. 113. Of the funds appropriated or made available pursuant to this Act not more than \$8,000,000 may be used during the fiscal year ending June 30, 1969, in carrying out section 241 of the Foreign Assistance Act of 1961, as amended.

22 USC 2201.

SEC. 114. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations.

22 USC 2151
note.

SEC. 115. None of the funds made available by this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be obligated for financing, in whole or in part, the direct costs of any contract for the construction of facilities and installations in any underdeveloped country, unless the President shall have promulgated regulations designed to assure, to the maximum extent consistent with the national interest and the avoidance of excessive costs to the United States, that none of the funds made available by this Act and thereafter obligated shall be used to finance the direct costs under such contracts for construction work performed by persons other than qualified nationals of the recipient country or qualified citizens of the United States: *Provided, however,* That the President may waive the application of this amendment if it is important to the national interest.

Construction in
underdeveloped
countries.

SEC. 116. No assistance shall be furnished under the Foreign Assistance Act of 1961, as amended, to any country that sells, furnishes, or permits any ships under its registry to carry to North Vietnam any of the items mentioned in subsection 107(a) of this Act.

Countries assist-
ing North Vietnam.

SEC. 117. None of the funds appropriated or made available in this Act for carrying out the Foreign Assistance Act of 1961, as amended, shall be available for assistance to the United Arab Republic, unless the President determines that such availability is essential to the national interest of the United States.

United Arab Re-
public.

SEC. 118. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be used to finance the procurement of iron and steel products for use in Vietnam containing any component acquired by the producer of the commodity, in the form in which imported into the country of production, from sources other than the United States or a country designated as a limited free world country by code number 901 in the September 1964 Geographic Code Book compiled by the Agency for International Development, and at a total cost (delivered to the point of production) that amounts to more than 10 per centum of the lowest price (excluding the cost of ocean transportation and marine insurance) at which the supplier makes the commodity available for export sale (whether or not financed by the Agency for International Development).

Iron and steel
products for use
in Vietnam.

SEC. 119. The President is directed to withhold economic assistance in an amount equivalent to the amount spent by any underdeveloped country for the purchase of sophisticated weapons systems, such as missile systems and jet aircraft for military purposes from any country, unless the President determines that such purchase or acquisition of weapons systems is important to the national security of the United States and reports within thirty days each such determination to the Congress.

Expenditures by
underdeveloped
countries for
weapons systems.

Presidential de-
termination.
Report to Con-
gress.

TITLE II—FOREIGN ASSISTANCE (OTHER)

FUNDS APPROPRIATED TO THE PRESIDENT

PEACE CORPS

For expenses necessary to enable the President to carry out the provisions of the Peace Corps Act (75 Stat. 612), as amended, including purchase of not to exceed five passenger motor vehicles for use outside the United States, \$102,000,000, of which not to exceed \$29,500,000 shall be available for administrative expenses.

22 USC 2501
note.

DEPARTMENT OF THE ARMY—CIVIL FUNCTIONS

RYUKYU ISLANDS, ARMY

ADMINISTRATION

For expenses, not otherwise provided for, necessary to meet the responsibilities and obligations of the United States in connection with the government of the Ryukyu Islands, as authorized by the Act of July 12, 1960 (74 Stat. 461), as amended (81 Stat. 363); services as authorized by 5 U.S.C. 3109, of individuals not to exceed ten in number; not to exceed \$4,000 for contingencies for the High Commissioner, to be expended in his discretion; hire of passenger motor vehicles and aircraft; purchase of four passenger motor vehicles for replacement only; and construction, repair, and maintenance of buildings, utilities, facilities, and appurtenances, \$20,772,000, of which not to exceed \$3,272,000 shall be available for administrative and information expenses: *Provided*, That expenditures from this appropriation may be made outside continental United States when necessary to carry out its purposes, without regard to sections 355 and 3648, Revised Statutes, as amended, section 4774(d) of title 10, United States Code, civil service or classification laws, or provisions of law prohibiting payment of any person not a citizen of the United States: *Provided further*, That funds appropriated hereunder may be used, insofar as practicable, and under such rules and regulations as may be prescribed by the Secretary of the Army to pay ocean transportation charges from United States ports, including territorial ports, to ports in the Ryukyus for the movement of supplies donated to, or purchased by, United States voluntary nonprofit relief agencies registered with and recommended by the Advisory Committee on Voluntary Foreign Aid or of relief packages consigned to individuals residing in such areas: *Provided further*, That the President may transfer to any other department or agency any function or functions provided for under this appropriation, and there shall be transferred to any such department or agency, without reimbursement and without regard to the appropriation from which procured, such property as the Director of the Bureau of the Budget shall determine to relate primarily to any function or functions so transferred: *Provided further*, That reimbursement shall be made to the applicable military appropriation for the pay and allowances of any military personnel performing services primarily for the purposes of this appropriation.

80 Stat. 416.

40 USC 255;
31 USC 529.
70A Stat. 269.

CONSTRUCTION OF POWER SYSTEMS, RYUKYU ISLANDS

The unobligated balance of the appropriation granted under this head in the Mutual Security Appropriation Act, 1960, is hereby rescinded.

73 Stat. 722.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

ASSISTANCE TO REFUGEES IN THE UNITED STATES

For expenses necessary to carry out the provisions of the Migration and Refugee Assistance Act of 1962 (Public Law 87-510), relating to aid to refugees within the United States, including hire of

76 Stat. 121.
22 USC 2601
note.

passenger motor vehicles, and services as authorized by section 3109 of title 5, United States Code, \$69,774,000: *Provided*, That funds from this appropriation shall be transferred to the Secretary of State to cover the costs incurred by the Department of State in connection with the movement of refugees from Cuba to the United States: *Provided further*, That \$1,800,000 of this appropriation shall be transferred to the current appropriation for "Contingency fund", Agency for International Development.

80 Stat. 416.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross and assistance to refugees, including contributions to the Intergovernmental Committee for European Migration and the United Nations High Commissioner for Refugees; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158); allowances as authorized by 5 U.S.C. 5921-5925; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109; \$5,485,000, of which not to exceed \$4,794,000 shall remain available until December 31, 1969: *Provided*, That no funds herein appropriated shall be used to assist directly in the migration to any nation in the Western Hemisphere of any person not having a security clearance based on reasonable standards to insure against Communist infiltration in the Western Hemisphere.

60 Stat. 999.
80 Stat. 510.

FUNDS APPROPRIATED TO THE PRESIDENT

ASIAN DEVELOPMENT BANK

For payment of the third installment subscription on paid-in capital stock to the Asian Development Bank, \$20,000,000, to remain available until expended.

INVESTMENT IN INTER-AMERICAN DEVELOPMENT BANK

For subscription to the Inter-American Development Bank, to remain available until expended, \$505,880,000, of which \$300,000,000 is for the second installment of the United States share in the 1968-1970 increase in the resources of the Fund for Special Operations of the Bank, and \$205,880,000 is for the first of two installments of the United States share in the authorized increase in the callable ordinary capital stock of the Bank.

TITLE III—EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is hereby authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year

61 Stat. 584.
31 USC 849.

limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, except as hereinafter provided.

LIMITATION ON PROGRAM ACTIVITY

Not to exceed \$2,552,050,000 (of which not to exceed \$2,065,000,000 shall be for equipment and services loans) shall be authorized during the current fiscal year for other than administrative expenses.

LIMITATION ON ADMINISTRATIVE EXPENSES

80 Stat. 416.

Not to exceed \$4,932,000 (to be computed on an accrual basis) shall be available during the current fiscal year for administrative expenses, including services as authorized by 5 U.S.C. 3109, and not to exceed \$12,000 for entertainment allowances for members of the Board of Directors: *Provided*, That (1) fees or dues to international organizations of credit institutions engaged in financing foreign trade, (2) necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Bank or in which it has an interest, including expenses of collections of pledged collateral, or the investigation or appraisal of any property in respect to which an application for a loan has been made, and (3) expenses (other than internal expenses of the Bank) incurred in connection with the issuance and servicing of guarantees, insurance, and reinsurance, shall be considered as nonadministrative expenses for the purposes hereof.

TITLE IV—GENERAL PROVISIONS

Publicity and
propaganda.

SEC. 401. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

Inspector Gen-
eral, Foreign
Assistance.

SEC. 402. None of the funds herein appropriated shall be used for expenses of the Inspector General, Foreign Assistance, after the expiration of the thirty-five day period which begins on the date the General Accounting Office or any committee of the Congress, or any duly authorized subcommittee thereof, charged with considering foreign assistance legislation, appropriations, or expenditures, has delivered to the Office of the Inspector General, Foreign Assistance, a written request that it be furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material in the custody or control of the Inspector General, Foreign Assistance, relating to any review, inspection, or audit arranged for, directed, or conducted by him, unless and until there has been furnished to the General Accounting Office or to such committee or subcommittee, as the case may be, (A) the document, paper, communication, audit, review, finding, recommendation, report, or other material so requested or (B) a certification by the President, personally, that he has forbidden the furnishing thereof pursuant to such request and his reason for so doing.

Fiscal year
limitation.

SEC. 403. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Short title.

This Act may be cited as the "Foreign Assistance and Related Agencies Appropriation Act, 1969."

Approved October 17, 1968.

Public Law 90-582

AN ACT

October 17, 1968
[S. 3986]

To amend the Federal Farm Loan Act and the Farm Credit Act of 1933, as amended, to expedite retirement of Government capital from Federal intermediate credit banks, production credit associations and banks for cooperatives, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 205 (a) (1) of the Federal Farm Loan Act, as amended (12 U.S.C. 1061 (a) (1)), is amended by adding the following two paragraphs at the end thereof:

Federal Farm
Loan Act and
Farm Credit Act
of 1933, amend-
ments.
70 Stat. 660;
79 Stat. 922.

"As to any class A stock held by the Governor of the Farm Credit Administration on behalf of the United States at enactment of this paragraph, the Governor may at any time require the bank to retire such class A stock if, in his judgment, the bank has resources available therefor, and he may accept in payment for such stock, such amount not in excess of par as in his judgment and with the concurrence of the Secretary of the Treasury represents a fair value of such stock, or such retirement may be effected upon delivery to the Governor of an amount of United States Government bonds the market value of which on the date of transaction represents the fair value of the class A shares as determined by the Governor with the concurrence of the Secretary of the Treasury.

"After all class A stock held by the Governor of the Farm Credit Administration on behalf of the United States has been retired from all of the Federal intermediate credit banks, and full private ownership has thus been achieved, short-term Federal investments in such class A stock to help one or several of the banks to meet emergency credit needs shall not be deemed to change this ownership status: *Provided, however,* That this sentence shall not alter the application of the Government Corporation Control Act, as amended (31 U.S.C. 841-870), and section 206(a) (4) of the Federal Farm Loan Act, as amended (12 U.S.C. 1072(a) (4)) (relating to payment of a franchise tax to the United States if the bank has outstanding capital stock held by the United States)."

59 Stat. 597.
70 Stat. 662.

SEC. 2. (a) Section 6 of the Farm Credit Act of 1933, as amended (12 U.S.C. 1131c), is amended by adding the following sentence at the end thereof: "If an association is deemed not to have resources available to retire and cancel any class A stock held by the Governor in such association, but in the judgment of the Governor the Federal intermediate credit bank of the district has resources available to do so, the Governor may require such bank to invest in an equivalent amount of class A stock of said association and the association then shall pay the proceeds thereof into such revolving fund in retirement of the class A stock held by the Governor."

Class A stock,
retirement and
cancellation.

(b) Section 16(a) of the Farm Credit Act of 1933, as amended (12 U.S.C. 1131e-1(a)), is amended by adding the following sentence at the end thereof: "If an association is deemed not to have resources available to retire and cancel any class C stock held by the Governor in such association, but in the judgment of the Governor the Federal intermediate credit bank of the district has resources available to do so, the Governor may require such bank to invest in an equivalent amount of class A or class C stock of said association and the association then shall pay the proceeds thereof into such revolving fund in retirement of the class C stock held by the Governor."

Class C stock,
retirement and
cancellation.

SEC. 3. Section 43 of the Farm Credit Act of 1933 (12 U.S.C. 1134e) is amended by adding the following two paragraphs at the end thereof: "As to any class A stock of any such bank held by the Governor of the Farm Credit Administration on behalf of the United States at

Government
stock, retirement.
48 Stat. 265.

enactment of this paragraph, he may accept in payment for such stock, such amount not in excess of par as in his judgment and with the concurrence of the Secretary of the Treasury represents a fair value of such stock, or such retirement may be effected upon delivery to the Governor of an amount of United States Government bonds the market value of which on the date of transaction represents the fair value of the class A shares as determined by the Governor with the concurrence of the Secretary of the Treasury.

"After all class A stock held by the Governor of the Farm Credit Administration on behalf of the United States has been retired from all of the banks for cooperatives, and full private ownership has thus been achieved, short-term Federal investments in such class A stock to help one or several of the banks to meet emergency credit needs shall not be deemed to change this ownership status: *Provided, however,* That this sentence shall not alter the application of the Government Corporation Control Act, as amended (31 U.S.C. 841-870), and section 36(a)(3) of the Farm Credit Act of 1933, as amended (12 U.S.C. 1134l(a)(3)) (relating to payment of a franchise tax to the United States if the bank has outstanding capital stock held by the United States)."

Approved October 17, 1968.

Public Law 90-583

October 17, 1968
[S. 2671]

AN ACT

To provide for the control of noxious plants on land under the control or jurisdiction of the Federal Government.

Noxious plant
control.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the heads of Federal departments or agencies are authorized and directed to permit the commissioner of agriculture or other proper agency head of any State in which there is in effect a program for the control of noxious plants to enter upon any lands under their control or jurisdiction and destroy noxious plants growing on such land if—

(1) such entry is in accordance with a program submitted to and approved by such department or agency: *Provided,* That no entry shall occur when the head of such Federal department or agency, or his designee, shall have certified that entry is inconsistent with national security;

(2) the means by which noxious plants are destroyed are acceptable to the head of such department or agency; and

(3) the same procedure required by the State program with respect to privately owned land has been followed.

SEC. 2. Any State incurring expenses pursuant to section 1 of this Act upon presentation of an itemized account of such expenses shall be reimbursed by the head of the department or agency having control or jurisdiction of the land with respect to which such expenses were incurred: *Provided,* That such reimbursement shall be only to the extent that funds appropriated specifically to carry out the purposes of this Act are available therefor during the fiscal year in which the expenses are incurred.

Appropriation
authorization.

SEC. 3. There are hereby authorized to be appropriated to departments or agencies of the Federal Government such sums as the Congress may determine to be necessary to carry out the purposes of this Act.

Approved October 17, 1968.

Public Law 90-584

AN ACT

To provide for the disposition of funds appropriated to pay a judgment in favor of the Southern Paiute Nation of Indians in Indian Claims Commission dockets numbered 88, 330, and 330-A, and for other purposes.

October 17, 1968
[S. 3227]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of disposing of the sum of \$7,253,165.19 appropriated April 30, 1965 (79 Stat. 81, 108, 109), to pay a judgment of the Indian Claims Commission entered in its dockets numbered 88, 330, and 330-A on January 18, 1965, on behalf of the Southern Paiute Nation, the bands and groups of Southern Paiute Indians named in the petitions and the Las Vegas Band, together with interest accruing thereon, the Secretary of the Interior shall prepare a roll of all persons who meet the following requirements for eligibility: (a) they were born on or prior to and living on the date of this Act and are (b) enrolled or entitled to be enrolled as members of the Kaibab Band of Paiute Indians of the Kaibab Reservation, Arizona, or (c) enrolled or entitled to be enrolled as members of the Moapa Band of Paiute Indians of the Moapa River Reservation, Nevada, or (d) whose names or the name of a lineal ancestor appears on the final rolls of the Shivwits, Kanosh, Koosharem, and Indian Peaks Bands of Paiute Indians which were prepared pursuant to the Act of September 1, 1954 (68 Stat. 1099), or (e) Southern Paiute Indians whose names or the name of a lineal ancestor appears on the January 1, 1940, census roll of the Cedar City, Utah, Indians, or (f) Southern Paiute Indians whose names or the name of a lineal ancestor appears on the January 1, 1940, census roll of the Las Vegas Colony, Nevada, or (g) Indians living elsewhere who can establish Southern Paiute lineal descent to the satisfaction of the Secretary of the Interior: *Provided, however,* That no enrollee shall have elected or shall elect to participate in the judgment awarded by the Indian Claims Commission in its dockets numbered 31, 37, 80, 80-D, and 347, granted to "Certain Indians of California" or in dockets numbered 351 and 351-A granted to the Chemehuevi Tribe of Indians. Any person qualifying for enrollment as a member of more than one of the named Indian groups shall elect with which group he shall be enrolled for the purpose of this Act.

SEC. 2. Applications for enrollment must be filed with the Area Director, Bureau of Indian Affairs, Phoenix, Arizona, in the manner and within the time limits prescribed by the Secretary for that purpose. The Secretary's determination on all applications for enrollment shall be final.

SEC. 3. The cost of preparing the Southern Paiute Indian roll, and of disposing of the judgment funds, and the deduction of attorneys' fees and expenses and the cost of litigation, shall be deducted from the judgment fund. The balance of said fund, together with accrued interest, shall be apportioned by the Secretary of the Interior among the groups of persons entitled to enrollment on the Southern Paiute Indian roll as provided in section 1 of this Act. Apportionment among said groups shall be on the ratio that the number of enrollees in each group shall bear to the total number enrolled on the Southern Paiute Indian roll.

SEC. 4. The total amounts apportioned to the groups enrolled in section 1 (b) and (c) shall be redeposited in the Treasury of the United States to the credit of the respective bands, and may be advanced,

Indians.
Southern Paiute
Nation.
Judgment funds,
disposition.

25 USC 741-760.

Applications.

Apportionment.

Redeposit and
disposition.

expended, invested, or reinvested in any manner authorized by the governing body and approved by the Secretary.

Equal shares.

SEC. 5. The funds apportioned to those Southern Paiute Indians enrolled under sections 1 (f) and (g) shall be available for distribution in equal shares to the enrollees except as provided in section 6 of this Act.

Minor enrollees,
protection.

SEC. 6. Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedures as the Secretary determines will best protect their interests, including the establishment of trusts.

Disposition.

SEC. 7. All funds, including interest, of the adult members of any group enrolled pursuant to sections 1 (d) and (e) of this Act may be advanced, expended, invested, or reinvested in any manner pursuant to a plan agreed upon between the governing body thereof or by the members thereof, at a meeting called in accordance with rules approved by the Secretary of the Interior, and the Board of Indian Affairs of the State of Utah, subject, however, to the previous approval of such plan by the Secretary of the Interior. However, the Secretary of the Interior shall not be charged with any responsibility in the administration of the funds.

Tax exemption.

SEC. 8. No part of the per capita distributions made under authority of this Act shall be subject to Federal or State income tax.

Rules and regu-
lations.

SEC. 9. The Secretary is authorized to prescribe rules and regulations to carry out the provisions of this Act.

Approved October 17, 1968.

Public Law 90-585

AN ACT

October 17, 1968
[H. R. 18885]

To provide for the disposition of funds appropriated to pay judgments in favor of the Seminole Tribe of Oklahoma in dockets numbered 150 and 248 of the Indian Claims Commission, and for other purposes.

Indians.
Seminole Tribe.
Judgment funds,
disposition.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the unexpended balance of the funds on deposit in the Treasury of the United States to the credit of the Seminole Tribe of Oklahoma that were appropriated by the Act of September 29, 1959 (73 Stat. 717), to pay a judgment by the Indian Claims Commission in docket numbered 150, and by the Act of May 13, 1966 (80 Stat. 141), to pay a judgment by the Indian Claims Commission in docket numbered 248, and any interest thereon, less payment of attorneys' fees and expenses, together with those school funds on deposit in the Treasury of the United States under the following symbols and titles:

14X7091 Seminole school fund.

14X7591 Interest and accruals on interest, Seminole school fund, may be advanced, expended, invested, or reinvested for any purpose that is authorized by the General Council of the Seminole Tribe of Oklahoma or other recognized governing body of that tribe and approved by the Secretary of the Interior.

SEC. 2. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

Approved October 17, 1968.

Public Law 90-586

AN ACT

To amend part III of the Interstate Commerce Act to provide for the recording of trust agreements and other evidences of equipment indebtedness of water carriers, and for other purposes.

October 17, 1968
[S. 913]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part III of the Interstate Commerce Act, relating to water carriers (49 U.S.C. 901 et seq.), is amended by—

Water carrier
equipment.
Financing.
54 Stat. 929.

- (1) redesignating section 323 (49 U.S.C. 923) as section 324;
- (2) inserting therein, immediately after section 322 (49 U.S.C. 922), the following new section:

“RECORDING OF EVIDENCES OF EQUIPMENT INDEBTEDNESS

“SEC. 323. Any mortgage (except mortgages under the Ship Mortgage Act, 1920, as amended), lease, equipment trust agreement, conditional sale agreement, or other instrument evidencing the mortgage, lease, conditional sale, or bailment of one or more vessels, used or intended for use by a carrier subject to this part in interstate commerce or any assignment of rights or interest under any such instrument, or any supplement or amendment to any such instrument or assignment (including any release, discharge, or satisfaction thereof, in whole or in part), may be filed with the Commission, provided such instrument, assignment, supplement, or amendment is in writing, executed by the parties thereto, and acknowledged or verified in accordance with such requirements as the Commission shall prescribe: and any such instrument or other document, when so filed with the Commission, shall constitute notice to and shall be valid and enforceable against all persons including, without limitation, any purchaser from, or mortgagee, creditor, receiver, or trustee in bankruptcy of, the mortgagor, buyer, lessee, or bailee of the vessel covered thereby, from and after the time such instrument or other document is so filed with the Commission; and such instrument or other document need not be otherwise filed, deposited, registered, or recorded under the provisions of any other law of the United States of America, or of any State (or political subdivision thereof), territory, district, or possession thereof, respecting the filing, deposit, registration, or recordation of such instruments or documents: *Provided, however,* That nothing contained in this section shall, in any way, be construed to alter or amend the Ship Mortgage Act, 1920, as amended. The Commission shall establish and maintain a system for the recordation of each such instrument or document, filed pursuant to the provisions of this section, and shall cause to be marked or stamped thereon, a consecutive number, as well as the date and hour of such recordation, and shall maintain, open to public inspection, an index of all such instruments or documents, including any assignment, amendment, release, discharge, or satisfaction thereof, and shall record, in such index the names and addresses of the principal debtors, trustees, guarantors and other parties thereto, as well as such other facts as may be necessary to facilitate the determination of the rights of the parties to such transactions.”; and

Filing with Inter-
state Commerce
Commission.
41 Stat. 1000.
46 USC 984.

Recording sys-
tem and index.

- (3) striking out in the section analysis of that part the item relating to section 323, and inserting in lieu thereof the following:

“Sec. 323. Recording of evidences of equipment indebtedness.

“Sec. 324. Separability of provisions.”

SEC. 2. Section 116, chapter 10, of the Bankruptcy Act (11 U.S.C. 516) is amended by adding at the end thereof the following new paragraph:

52 Stat. 884;
71 Stat. 617.

41 Stat. 1000.
46 USC 984.

"(6) Notwithstanding any other provisions of this chapter, the title of any owner, whether as trustee or otherwise, to vessels (as the term is defined in the Ship Mortgage Act, 1920, as now in effect or hereafter amended) leased, subleased, or conditionally sold to any water carrier which holds a certificate of public convenience and necessity or permit issued by the Interstate Commerce Commission, and any right of such owner or of any other lessor to such water carrier to take possession of such property in compliance with the provisions of any such lease or conditional sale contract shall not be affected by the provisions of this chapter if the terms of such lease or conditional sale so provide."

Approved October 17, 1968.

Public Law 90-587

October 17, 1968
[S. 2496]

AN ACT

To authorize the Commissioner of the District of Columbia to enter into and renew reciprocal agreements for police mutual aid on behalf of the District of Columbia with the local governments in the Washington metropolitan area.

D.C. Govern-
ment.
Police mutual
aid agreements.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of the District of Columbia is hereby authorized in his discretion to enter into and to renew reciprocal agreements, for such period as he deems advisable, with any county, municipality, or other governmental unit in the States of Maryland and Virginia, in order to establish and carry into effect a plan to provide mutual aid, through the furnishing of policemen and other agents and employees, together with all necessary equipment, in the event of war, internal disorder, fire, flood, epidemic, or other public disorder which threatens or has occurred.

SEC. 2. The District of Columbia shall not enter into any such agreement unless the agreement provides that each of the parties to such agreement shall (1) waive any and all claims against all the other parties thereto which may arise out of their activities outside their respective jurisdictions under such agreement; (2) indemnify and save harmless the other parties to such agreement from all claims by third parties for property damage or personal injury which may arise out of the activities of the other parties to such agreement outside their respective jurisdictions under such agreement.

SEC. 3. The policemen and other officers, agents, and employees of the District, when acting hereunder or under other lawful authority beyond the territorial limits of the District, shall have all of the pension, relief, disability, workmen's compensation, and other benefits enjoyed by them while performing their respective duties within the District of Columbia.

SEC. 4. The Commissioner of the District of Columbia shall be responsible for directing the activities of all policemen and other officers and agents coming into the District pursuant to any such reciprocal agreement, and the Commissioner is empowered to authorize all policemen and other officers and agents from outside the District to enforce the laws applicable in the District to the same extent as if they were duly authorized officers and members of the Metropolitan Police force of the District of Columbia.

Approved October 17, 1968.

Public Law 90-588

AN ACT

October 17, 1968
[H. R. 13844]

To provide additional leave of absence for Federal employees in connection with the funerals of their immediate relatives who died as a result of wounds, disease, or injury incurred while serving as a member of the Armed Forces in a combat zone; and to provide additional leave for Federal employees called to duty as members of the National Guard or Armed Forces Reserves.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter II of chapter 63 of title 5, United States Code, is amended by adding at the end thereof the following new section:

“§ 6326. Absence in connection with funerals of immediate relatives in the Armed Forces

“(a) An employee of an executive agency or an individual employed by the government of the District of Columbia is entitled to not more than three days of leave without loss of, or reduction in, pay, leave to which he is otherwise entitled, credit for time or service, or performance or efficiency rating, to make arrangements for, or attend the funeral of, or memorial service for, an immediate relative who died as a result of wounds, disease, or injury incurred while serving as a member of the Armed Forces in a combat zone (as determined by the President in accordance with section 112 of the Internal Revenue Code).

“(b) The Civil Service Commission is authorized to issue regulations for the administration of this section.

“(c) This section shall not be considered as affecting the authority of an Executive agency, except to the extent and under the conditions covered under this section, to grant administrative leave excusing an employee from work when it is in the public interest.”

(b) The table of contents of chapter 63 of title 5, United States Code, is amended by inserting the following new item immediately below item 6325:

“6326. Absence in connection with funerals of immediate relatives in the Armed Forces.”

SEC. 2. (a) Section 6323 of title 5, United States Code, is amended by adding at the end thereof the following new subsections:

“(c) Except as provided by section 5519 of this title, an employee as defined by section 2105 of this title (except a substitute employee in the postal field service) or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

“(1) is a member of a Reserve component of the Armed Forces, as described in section 261 of title 10, or the National Guard, as described in section 101 of title 32; and

“(2) performs, for the purpose of providing military aid to enforce the law—

“(A) Federal service under section 331, 332, 333, 3500, or 8500 of title 10, or other provision of law, as applicable, or

“(B) full-time military service for his State, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, or a territory of the United States;

is entitled, during and because of such service, to leave without loss of, or reduction in, pay, leave to which he otherwise is entitled, credit for time or service, or performance or efficiency rating. Leave granted by this subsection shall not exceed 22 workdays in a calendar year.

“(d) Except as provided in section 5519 of this title, a substitute employee in the postal field service who—

“(1) is a member of a Reserve component of the Armed Forces,

Federal employ-
ees.
Additional
leave.
80 Stat. 521;
81 Stat. 671.
5 USC 6321-
6325.

68A Stat. 34;
80 Stat. 1165.
26 USC 112.
Regulations.

Military leave.

Post, p. 1152.
80 Stat. 409.

70A Stat. 10.
596.

Limitation.

70A Stat. 10,
596.

as described in section 261 of title 10, or the National Guard, as described in section 101 of title 32;

“(2) performs, for the purpose of providing military aid to enforce the law—

“(A) Federal service under section 331, 332, 333, 3500, or 8500 of title 10, or other provision of law, as applicable, or

“(B) full-time military service for his State, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, or a territory of the United States;

and

“(3) has worked at least 1040 hours, as a substitute employee in the postal field service, during the calendar year immediately before the calendar year in which he performs service described in subparagraph (2) (A) or (B) of this subsection;

is entitled, during and because of such service, to leave without loss of, or reduction in, as a substitute employee in the postal field service, pay, leave to which he otherwise is entitled, credit for time or service, or performance or efficiency rating. Leave granted by this subsection—

“(i) shall not exceed 160 hours in a calendar year; and

“(ii) shall accrue on the basis of 1 hour of leave for each period aggregating 13 hours of service performed, as a substitute employee in the postal field service, during the calendar year immediately before the calendar year in which he performs service described in subparagraph (2) (A) or (B) of this subsection.”.

(b) Subchapter II of chapter 55 of title 5, United States Code, is amended by adding at the end thereof the following new section:

“§ 5519. Crediting amounts received for certain Reserve or National Guard service

“An amount (other than a travel, transportation, or per diem allowance) received by an employee or individual for military service as a member of the Reserve or National Guard for a period for which he is entitled to leave under section 6323 (c) or (d) of this title shall be credited against the pay payable to the employee or individual with respect to his civilian position for that period.”.

(c) The table of contents of subchapter II of chapter 55 of title 5, United States Code, is amended by inserting—

“5519. Crediting amounts received for certain Reserve or National Guard service.”

immediately below—

“5518. Deductions for State retirement systems; National Guard employees.”.

Approved October 17, 1968.

Public Law 90-589

AN ACT

To make the proof of financial responsibility requirements of section 39(a) of the Motor Vehicle Safety Responsibility Act of the District of Columbia inapplicable in the case of minor traffic violations involving drivers' licenses and motor vehicle registration.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 39(a) of the Motor Vehicle Safety Responsibility Act of the District of Columbia (D.C. Code, sec. 40-455(a)) is amended by striking out “trial for” and all that follows down through “the operating privilege” and inserting in lieu thereof “trial for driving a motor vehicle within the District of Columbia at a time when his license is suspended or revoked, the operating privilege”.

Approved October 17, 1968.

Limitation.

Withholding pay.
80 Stat. 477.
5 USC 5511-
5518.

Ante, p. 1151.

October 17, 1968
[H. R. 13480]

D.C.
Motor Vehicle
Safety Responsibility Act, amend-
ment.
72 Stat. 956.

Public Law 90-590

AN ACT

October 17, 1968
[H. R. 1411]

To amend title 39, United States Code, with respect to use of the mails to obtain money or property under false representations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That section 4005 of title 39, United States Code, is amended to read as follows:

74 Stat. 654.

“§ 4005. False representations; lotteries

“(a) Upon evidence satisfactory to the Postmaster General that any person is engaged in conducting a scheme or device for obtaining money or property through the mail by means of false representations, or is engaged in conducting a lottery, gift enterprise, or scheme for the distribution of money or of real or personal property, by lottery, chance, or drawing of any kind, the Postmaster General may issue an order which—

“(1) directs any postmaster at an office at which registered or certified letters or other letters or mail arrive, addressed to such a person or to his representative, to return such letters or mail to the sender appropriately marked as in violation of this section, if such person, or his representative, is first notified and given reasonable opportunity to be present at the receiving post office to survey such letters or mail before the postmaster returns such letters or mail to the sender; and

“(2) forbids the payment by a postmaster to such a person or his representative of any money order or postal note drawn to the order of either and provide for the return to the remitters of the sum named in the money order or postal note.

“(b) The public advertisement by a person engaged in activities covered by subsection (a) of this section, that remittances may be made by mail to a person named in the advertisement, is prima facie evidence that the latter is the agent or representative of the advertiser for the receipt of remittances on behalf of the advertiser. The Postmaster General is not precluded from ascertaining the existence of the agency in any other legal way satisfactory to him.

“(c) As used in this section and section 4006 of this title the term ‘representative’ includes an agent or representative acting as an individual or as a firm, bank, corporation, or association of any kind.”

“Representative.”

SEC. 2. The table of contents of chapter 51 of title 39, United States Code, is amended by striking out—

“4005. Fraudulent and lottery mail matter.”

and inserting in lieu thereof—

“4005. False representations; lotteries.”

Approved October 17, 1968.

Public Law 90-591

AN ACT

October 17, 1968
[H. R. 8781]

To authorize the Secretary of the Interior to exchange certain lands in Shasta County, California, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the Secretary of the Interior is authorized to convey to the Summit City Public Utility District, Shasta County, California, approximately 7.24 acres, more or less, and to accept from the district in exchange therefor 5.91

Shasta County,
Calif.
Land convey-
ance.

acres, more or less, of land located in section 26, township 33 north, range 5 west, Mount Diablo meridian, Shasta County, California, and further identified in the records of the Bureau of Reclamation, Department of the Interior, as parcels A and B, respectively. The properties so exchanged either shall be approximately equal in fair market value or if they are not approximately equal, shall be equalized by the payment of cash to the district or to the Secretary as required: *Provided*, That the Secretary shall order appraisals made of the fair market value of both parcels of land without consideration for any improvements thereon, with said appraisals to constitute final determinations of value: *Provided further*, That any cash payment received by the Secretary shall be credited to the funds available for construction or operation and maintenance of the Central Valley project and any disbursements made by him shall be made from said funds.

Approved October 17, 1968.

Public Law 90-592

October 17, 1968
[H. R. 13099]

AN ACT

To authorize the establishment of the Carl Sandburg Home National Historic Site in the State of North Carolina, and for other purposes.

Carl Sandburg
Home National
Historic Site,
N.C.
Establishment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to acquire, by donation or purchase with donated or appropriated funds, all or any part of the property and improvements thereon at Flat Rock, North Carolina, where Carl Sandburg lived and worked during the last twenty years of his life, comprising approximately two hundred and forty-two acres, together with approximately six acres of adjacent or related property which the Secretary may deem necessary for establishment of the Carl Sandburg Home National Historic Site.

Administration.

SEC. 2. The national historic site established pursuant to this Act shall be administered by the Secretary of the Interior in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467).

Appropriation.

SEC. 3. There are authorized to be appropriated the sums of \$225,000 for the acquisition of lands and interests in lands and \$952,000 for development expenses incurred pursuant to the provisions of this Act.

Approved October 17, 1968.

Public Law 90-593

October 17, 1968
[S. J. Res. 191]

JOINT RESOLUTION

Authorizing the erection of a statue of Benito Pablo Juarez on public grounds in the District of Columbia.

D.C.
Juarez statue
site.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed to select an appropriate site for the location of a statue, including pedestal therefor, of Benito Pablo Juarez, a gift of the Government of the United States of Mexico, on grounds now owned by the United States of America in the District of Columbia, and the erection thereof is hereby authorized, such authority to terminate five years from the effective date of this joint resolution unless erection of the statue is begun within that

time: *Provided*, That the choice of the site and the design of the statue shall be subject to the approval of the Commission of Fine Arts and the National Capital Planning Commission: *Provided further*, That the erection of the statue and proper landscape treatment of the site, including walks, shall be without expense to the United States of America, except for necessary maintenance after completion.

Approved October 17, 1968.

Public Law 90-594

AN ACT

To authorize the appropriation of funds for Padre Island National Seashore in the State of Texas, and for other purposes.

October 17, 1968
[H. R. 17787]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, there are hereby authorized to be appropriated such sums as may be necessary to satisfy the final judgment of \$6,810,380 (that is, \$9,212,730 minus \$2,402,350 deposited in court; all figures exclusive of amounts for tract No. 7) rendered against the United States in civil action numbered 65-C-54 in the United States District Court for the Southern District of Texas, for the acquisition of land and interests in land for the Padre Island National Seashore. The sums herein authorized to be appropriated shall be sufficient to pay the amount of said judgment, together with interest and costs as provided by law.

Padre Island
National Sea-
shore, Texas.
Appropriation.

Approved October 17, 1968.

Public Law 90-595

AN ACT

To extend to savings notes the provisions of the Second Liberty Bond Act relating to the redemption of savings bonds and the payment of losses incurred in connection with such redemption.

October 17, 1968
[H. R. 15114]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 22(h) of the Second Liberty Bond Act, as amended (31 U.S.C. 757c(h)), is amended by inserting "and savings notes" after "bonds".

Savings notes,
redemption.
59 Stat. 47.

SEC. 2. The first sentence of section 22(i) of the Second Liberty Bond Act, as amended (31 U.S.C. 757c(i)), is amended by inserting "and savings notes" after "bonds". The second sentence of such section is amended by striking out "such bonds," and inserting in lieu thereof "such bonds and notes,".

Approved October 17, 1968.

Public Law 90-596

October 17, 1968
[S. 1247]

AN ACT

To authorize the Commissioner of the District of Columbia to fix and collect rents for the occupancy of space in, on, under, or over the streets of the District of Columbia, to authorize the closing of unused or unsafe vaults under such streets and the correction of dangerous conditions of vaults in or vault openings on public spaces, and for other purposes.

District of
Columbia Public
Space Rental Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SHORT TITLE, STATEMENT OF FINDINGS, AND POLICY DEFINITIONS

SEC. 101. This Act may be cited as the "District of Columbia Public Space Rental Act".

SEC. 102. The Congress finds that there is demand in the District for the use of public space for private gain by the owners of property abutting such space, or by the operators of businesses on such property. The Congress further finds that much of the use that is presently being made of such space by such owners or operators, and much of the use that is proposed to be made thereof, would not be in derogation of the rights of the general public to use such space if a determination be made by the Commissioner that some or all of such space is not required for the use of the general public and may be made available for use, for business purposes, by or with the consent of the owners of the private property abutting such public space, subject to the payment of adequate compensation for the use of such public space, and subject to the discontinuance of such use to the extent that the Commissioner may later determine such space to be required for the use of the general public, including use by a public utility company. The Congress therefore declares that public space in the District which the Commissioner finds is not required for the use of the general public may be made available by him for use, for business purposes, by or with the consent of the owners of private property abutting such space, upon payment to the District of compensation for the use of such space, and on the condition that such use will be discontinued in whole or in part whenever the Commissioner determines that all or part of the public space is required for the use of the general public.

Definitions.

SEC. 103. As used in this Act, unless the context requires otherwise—"Commissioner" means the Commissioner of the District or his designated agent.

"District" means the District of Columbia.

"Owner" means (1) any person, or any one of a number of persons, in whom is vested all or any part of the beneficial ownership, dominion, or title of property; (2) the committee, conservator, or legal guardian of an owner who is non compos mentis, a minor child, or otherwise under a disability; or (3) a trustee elected or appointed, or required by law, to execute a trust, other than a trustee under a deed of trust to secure the repayment of a loan.

"Parking" means that area of public space which lies between the property line and the edge of the actual or planned sidewalk which is nearer to such property line, as such property line and sidewalk are shown on the records of the District.

"Property" means real property.

"Property line" means the line of demarcation between privately owned property fronting or abutting a street and the publicly owned property in the line of such street.

"Public space" means all the publicly owned property between the property lines on a street, as such property lines are shown on the records of the District, and includes any roadway, tree space, sidewalk, or parking between such property lines.

"Street" means a public highway as shown on the records of the District, whether designated as a street, alley, avenue, freeway, road, drive, lane, place, boulevard, parkway, circle, or by some other term.

"Vault" means a structure or an enclosure of space beneath the surface of the public space, including but not limited to tanks for petroleum products, except that the term "vault" shall not include public utility structures, pipelines, or tunnels constructed under the authority of subsection (d) of the Act approved December 20, 1944, as amended (D.C. Code, sec. 1-244(d)), or structures or facilities of the United States or the District of Columbia, or of any governmental entity or foreign government, or any structure or facility included in any lease agreement entered into by the Commissioner. If such structure or enclosure of space be divided approximately horizontally into two or more levels, the term "vault" as used in this Act shall be considered as applying to one such level only, and each such level shall be considered a separate vault within the meaning of this Act.

58 Stat. 821.

SEC. 104. Nothing contained in this Act shall be construed as requiring the Commissioner to assess and collect rent from the Government of the United States, the government of the District of Columbia, or any foreign government, for the use, in accordance with the provisions of titles II and III, of public space abutting property owned by any such government or governmental entity, nor shall any such government or governmental entity be subject to the payment of any rent required by this Act.

SEC. 105. Notwithstanding any other provisions of this Act, the Commissioner is authorized, in his judgment and pursuant to regulations adopted and promulgated by the District of Columbia Council, to permit the occupancy of public space for minor uses without requiring rental payments when the fixing and collection of rental charges would not be feasible.

TITLE II—RENTAL OF PUBLIC SPACE ON OR ABOVE THE SURFACE

SEC. 201. The District of Columbia Council is authorized to provide by regulation for the rental of portions of public space on or above the surface of the pavement or the ground, as the case may be, and not actually required for the use of the general public, for such period of time as the said space may not be so required or for any lesser period: *Provided*, That nothing herein contained shall be construed as requiring the Council to require the payment of rent as a condition to the use of public space (1) in accordance with the provisions of regulations promulgated under the authority of the first paragraph under the caption "District of Columbia" of the Act approved March 3, 1891 (26 Stat. 868), as amended (D.C. Code, sec. 5-204); (2) by a public utility company for the installation and maintenance of any of its equipment or facilities, under permit issued by the District; or (3) for the sale of newspapers of general circulation: *Provided further*, That the proposed rental of public space within the area of the District of Columbia subject to the provisions of the Act approved May 16, 1930 (46 Stat. 366), as amended (D.C. Code, secs. 5-410 and 5-411), shall be submitted to the Commission of Fine Arts in accordance with the provisions of such Act of May 16, 1930. The regulations adopted by the District of Columbia Council shall provide that public space rented under the authority of this

34 Stat. 385.

Commission of
Fine Arts, ap-
proval.

title shall be rented only to the owner of property fronting and abutting such public space; that any person using such space shall not acquire any right, title, or interest therein; that both the United States and the District of Columbia, and the officers and employees of each of them, shall be held harmless for any loss or damage arising out of the use of such space, or the discontinuance of any such use; that the Commissioner may require such space to be vacated upon demand by him and its use discontinued, with or without notice, and with no recourse against either the United States or the District for any loss or damage occasioned by any such requirement; and that if any such use be not discontinued by the time specified by the Commissioner, the said Commissioner may remove from such space any property left thereon or therein by any person using such space under the authority of this title, at the risk and expense of the owner of the real property abutting such space.

Rental regula-
tions.

SEC. 202. The District of Columbia Council shall by regulation provide for the payment of rent for the use of public space as authorized by this title. The annual rent for such space shall be a fair and equitable amount fixed by the Council from time to time in accordance with regulations adopted by it, generally establishing categories of use and providing that the rent for each category of use shall bear a reasonable relationship to the assessed value of the privately owned land abutting such space, depending on the nature of the category of use and the extent to which the public space may be utilized for such purpose, but in no event shall the annual rent for the public space so utilized be at a rate of less than 4 per centum per annum of the current assessed value of an equivalent area of the privately owned space immediately abutting the public space so utilized. Such rent shall be payable in advance for such periods as may be fixed by the Council. In the event the Commissioner requires any person using public space under the authority of this title to vacate all or part of any space for which rent has been paid, the Commissioner is authorized to refund so much of such prepaid rent as may be represented by the amount of space so vacated and by the length of time remaining in the period for which rent was paid.

Refunds.

SEC. 203. The Commissioner is authorized, with respect to property subject to the requirements of section 2 of the Act approved May 31, 1900 (31 Stat. 248; D.C. Code, sec. 7-117), to allow the same use to be made of such property as, under the authority of this title, he allows to be made of the public space abutting such property. Any such use of such property shall be subject to the same conditions as are applicable to the use of the abutting public space, with the exception of the payment of rent.

TITLE III—RENTAL OF SUBSURFACE PUBLIC SPACE

Repeal.
Prior permits.

SEC. 301. Section 7 of the Act entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and for other purposes", approved September 1, 1916 (39 Stat. 716), as amended (D.C. Code, sec. 7-901), is hereby repealed, and all permits for the use of public space issued under the authority of such Act are revoked as of the effective date of this title.

Issuance of
permits.
Conditions.

SEC. 302. The Commissioner is authorized to issue a permit for the use of a vault constructed prior to the effective date of this Act, or for the construction of a vault after such effective date, only to the owner of the real property abutting the public space in which such vault is or will be located. The issuance of each such permit shall be conditioned on the prior execution by such owner of an agreement acknowledging,

for himself, his heirs and assigns, (1) that no right, title, or interest of the public is thereby acquired, waived, or abridged; (2) that the Commissioner may inspect such vault during regular business hours; (3) that the Commissioner may introduce or authorize the introduction into or through such vault with, right of entry for inspection, maintenance, and repair, of any water pipe, gas pipe, sewer, conduit, other pipe, or other public or public utility underground construction, which the Commissioner deems necessary in the public interest to place in or through such vault; (4) that such vault will be changed by the owner, or by the District at the expense of such owner, to conform with any change made in the street, roadway, or sidewalk width or grade; and (5) that rental for such vault will be paid to the District as required by this Act. A copy of such agreement shall be recorded in the office of the Recorder of Deeds by and at the expense of such owner.

SEC. 303. The Commissioner is authorized and directed to assess and collect rent from the owners of abutting property for any vault located in the public space abutting such property, unless such vault shall have been removed, filled, sealed, or otherwise rendered unusable in a manner satisfactory to the Commissioner.

SEC. 304. Each owner of property abutting public space in which a vault is located shall pay an annual rent fixed from time to time by the District of Columbia Council for such vault, but such annual rent shall not be less than \$10, and such rent shall be subject to collection from said owner in the manner prescribed by this title, regardless of whether any use is made of such vault, and regardless of the extent of any use: *Provided*, That no rent for any rental year for a vault shall be charged to the owner of abutting property if said owner, prior to July 1 of such year, has notified the Commissioner in writing that he has abandoned such vault and has performed such work as may be required by the District in connection with the sealing off or filling of such vault, or both.

Annual fixed
rent conditions.

SEC. 305. (a) The owner of property abutting public space in which any vault is located, as such owner may be recorded in the real estate assessment records of the District, shall pay the rent established in accordance with this title for such vault. Such rent shall be payable annually for the year commencing July 1 and ending the following June 30, and shall be payable in full prior to the beginning of such year. In the case of vaults constructed between July 1 and January 1 of any year, one-half of the annual rent for any such vault, shall be payable in full prior to the first of January immediately following the completion of such vault. In the case of vaults constructed between January 1 and July 1 of the succeeding year, no rent shall be charged for any vault completed within such period, but the owner of the property abutting the public space in which such vault is located shall, prior to the first of July immediately following the completion of any such vault, pay in full the annual rent for such vault, for the rental year commencing on such July 1. Interest at the rate of 1 per centum for each month or part thereof shall be charged in every case in which rent is not paid on or before the date on which any payment required by this section shall become due.

Newly-
constructed
vaults.

Interest rate.

(b) In the event the Commissioner requires or allows any person using subsurface public space under the authority of this title to vacate, voluntarily or involuntarily, all or part of any space for which rent has been paid, the Commissioner is authorized to refund so much of such prepaid rent as may be represented by the amount of space so vacated and by the length of time remaining in the period for which rent was paid: *Provided*, That the Commissioner may deduct from such prepayment any amount due the District in compensation for

Vacating of
space.
Prepaid rent,
refund.

expenses to the District in connection with the use or abandonment of said space.

SEC. 306. (a) Whenever the Commissioner determines that any vault is unsafe or is not in use, or the space occupied by such vault is required for street improvements, or the construction or extension of sewers, water mains, other public works, or public utility facilities, the Commissioner is authorized to serve upon the owner of property abutting public space occupied by such vault an order requiring such owner to remove in whole or in part, reconstruct, repair, or close such vault by filling, sealing, or otherwise rendering unusable in a manner satisfactory to the Commissioner. The failure or refusal of any such owner to comply with such order of the Commissioner within the time specified in such order shall constitute a violation of this Act.

(b) In the event that any owner of property abutting an unused or unsafe vault fails to remove in whole or in part, reconstruct, repair, or close the same by filling, sealing, or otherwise rendering unusable in a manner satisfactory to the Commissioner within the time specified by him, the Commissioner is authorized to apply to the District of Columbia Court of General Sessions for, and the said court is hereby authorized to issue, an order empowering the Commissioner to enter upon the property of such owner for the purpose of performing such work as may be necessary in connection with the removal, reconstruction, repair, or closure of such vault, and the District and its officers and employees shall not be liable for any damage to real or personal property which may result from the performance of any such work, other than such damage as may be caused by the gross negligence of the District or of any of its officers or employees. Process in connection with the application for such order shall be served on the owner in accordance with the rules of said court relating to the service of process in civil actions. In the event such owner is not to be found in the District after reasonable search and an affidavit to this effect is made on behalf of the District, such process may be served by publication for one day each week for three consecutive weeks in a newspaper of general circulation in the District, and, if service of process is by publication, a copy of such process and publication shall be sent to such owner by certified mail at his last known address as recorded in the real estate assessment records of the District.

SEC. 307. Notwithstanding the provisions of the preceding section, whenever the Commissioner finds that any vault or vault opening is in such condition as to be imminently dangerous to persons or property, he shall immediately notify the owner, agent, or other person in charge of the private property abutting the public space in which such vault or vault opening is located, to cause such vault or vault opening to be made safe and secure. The person or persons so notified shall be allowed until 12 o'clock noon of the day following the service of such notice in which to commence making such vault or vault opening safe and secure: *Provided*, That in a case where the public safety requires immediate action the Commissioner may enter upon the private property abutting the public space in which such vault or vault opening is located, with such workmen and assistants as may be necessary, and cause such vault or vault opening to be made safe and secure. In any case in which the Commissioner performs any work under the authority of this section, the cost to the District of performing such work shall be charged against the private property abutting the public space in which such vault or vault opening is located, and shall be collected in the manner provided by section 308.

SEC. 308. (a) The Commissioner shall take such action as he in his discretion considers necessary or desirable to secure the payment to the District of rents due and payable on vaults; interest on late rental

Vaults unsafe
for use.
Order for re-
moval.

Vault or vault
opening danger-
ous to persons or
property.

Vault rentals,
collection.

payments; the cost of any advertising required by this title; the cost to the District of sealing off, removing in whole or in part, filling, reconstructing, repairing, or closing a vault or vault opening, or performing any other service in connection therewith; and interest at the rate of 1 per centum per month or part thereof in every case in which payment to the District for the cost of performing work authorized by this title is not made within thirty days after a bill for such cost shall have been rendered.

(b) Charges authorized to be made by this title and not paid within ninety days after the close of the fiscal year in which such charges accrue shall be levied by the Commissioner as a tax against the property abutting the public space in which a vault is located, such tax to be collected as provided in this section. Such tax shall include, without limitation, rents due and payable on vaults, interest on late rental payments, costs for sealing off, removing in whole or in part, filling, repairing, reconstructing, or closing a vault or vault opening, interest on late payments of such costs, and any advertising required by this title. The tax authorized to be levied and collected under this section may be paid without interest within sixty days from the date such tax was levied. Interest of one-half of 1 per centum for each month or part thereof shall be charged on all unpaid amounts from the expiration of sixty days from the date such tax was levied. Any such tax may be paid in three equal installments with interest thereon. If any such tax or part thereof shall remain unpaid after the expiration of two years from the date such tax was levied, the property against which said tax was levied may be sold for such tax or unpaid portion thereof with interest and penalties thereon at the next ensuing annual tax sale in the same manner and under the same conditions as property sold for delinquent general real estate taxes, if said tax with interest and penalties thereon shall not have been paid in full prior to said sale.

Tax levy
against property.

SEC. 309. (a) The Commissioner is authorized to require that the use of a vault occupied or used under the authority of this Act shall be subject to the condition that the District shall have the right at any time to install or construct under, over, or through said vault any water pipe, gas pipe, sewer, conduit, other pipe, or other public or public utility underground construction that the Commissioner may consider it necessary in the public interest to place in the space occupied by such vault, without compensation to the owner of the private property abutting the space in which such vault is located or to the person occupying or using such vault. Each person using or occupying a vault, upon notice from the Commissioner that a water pipe, gas pipe, sewer, conduit, other pipe, or other public or public utility underground construction is to be introduced in the space occupied by such vault, shall commence to move, and forthwith remove, if necessary, any boiler, pipe, wall, beam, machinery, or construction in or pertaining to said vault, or any fixture or other thing therein, without cost to the District, so as to leave a space clear and sufficient in the judgment of the Commissioner for the introduction and maintenance of any such underground construction or installation. The Commissioner is further authorized to require each applicant for a permit to construct a vault in public space, as a condition precedent to the issuance of the permit, to agree for himself and his heirs and assigns that the Commissioner shall have the right to enter upon the premises at any time for the inspection and proper maintenance or repair of any public underground construction or installation in such vault, and that in case there is any change in the street, roadway, or sidewalk above such vault, the vault shall be subject to a corresponding change, as directed by the Commissioner, without expense to the District of Columbia.

Inspection and
easement rights.

(b) In the event a person occupying or using a vault under the authority of this Act shall fail or refuse to perform or to permit the performance of any work required by the Commissioner under the authority of subsection (a), the Commissioner is authorized to apply to the District of Columbia Court of General Sessions for, and said court is hereby authorized to issue, an order empowering the Commissioner to enter upon the private property abutting the public space in which such vault is located for the purpose of performing such work as may be necessary in connection with the construction or installation in such public space of any water pipe, gas pipe, sewer, conduit, other pipe, or other underground construction or installation that the Commissioner may consider it necessary or desirable to place in such space, and the District and its officers and employees shall not be liable for any damage to real or personal property which may result from the performance of any such work, other than such damage as may be caused by the gross negligence of the District or of any of its officers or employees. Process in connection with the application for such order shall be served on the owner in accordance with the rules of said court relating to the service of process in civil actions. In the event such owner is not to be found in the District after reasonable search and an affidavit to this effect is made on behalf of the District, such process may be served by publication for one day each week for three consecutive weeks in a newspaper of general circulation in the District, and, if service of process is by publication, a copy of such process and publication shall be sent to such owner by certified mail at his last known address as recorded in the real estate assessment records of the District. The cost to the District of performing such work, including, without limitation, the reasonable cost to the District of securing the court order authorized by this subsection and any advertising in connection therewith, shall be a charge which may be levied by the Commissioner as a tax against the property abutting the public space in which a vault is located, to be collected in the manner authorized by section 308.

Restriction.

SEC. 310. Nothing contained in this title shall be construed as authorizing the District of Columbia Council to impose a rental charge for the use of any vault abutting real property on which is located a single or two-family dwelling occupied solely for residential purposes, but any such vault shall otherwise be subject to the provisions of this title.

TITLE IV—REGULATIONS, INSURANCE, NOTICE, PENALTY, CREDITING OF RENTAL PAYMENTS, AUTHORIZATION OF APPROPRIATIONS, SEPARABILITY PROVISION, COORDINATION WITH SECTION 2 OF THE ACT OF MAY 31, 1900, AND EFFECTIVE DATES

Regulations.
Effective date.

SEC. 401. The District of Columbia Council after public hearing is authorized to make and promulgate regulations to carry out the purposes of this Act. The regulations initially adopted by the Council under the authority of this section to carry out the purposes of title III shall become effective on the effective date of such title, if, not less than ten days prior to such date, the Council has adopted such regulations and printed a notice of such adoption in a newspaper of general circulation in the District. Otherwise, the regulations adopted by the Council under the authority of this section shall become effective ten days after notice of their adoption has been printed in a newspaper of general circulation in the District.

Public liability
insurance require-
ment.

SEC. 402. The Commissioner shall, in connection with authorizing the use of any public space under the authority of this Act, require the person authorized to use such space, prior to any such use, to

secure a policy of public liability and property damage insurance or other acceptable security providing for such minimum limits of liability as may be required by the Commissioner. Any such insurance policy shall include the District and its officers and employees as additional parties insured and shall be cancellable only after thirty days' written notice of such cancellation has been received by the Commissioner. No such use of public space shall be authorized or continued for any period unless such insurance or other security is maintained in full force and effect during that period. Nothing herein contained shall be construed as requiring either the United States or the District to secure a policy of public liability and property damage insurance or other security covering any use of public space by either of the said governments under the authority of this Act.

SEC. 403. (a) Any order or notice required by this Act to be served shall be deemed to have been served when served by any of the following methods: (1) when forwarded by certified mail to the last known address of the owner as recorded in the real estate assessment records of the District, with return receipt, and such receipt shall constitute prima facie evidence of service upon such owner if such receipt is signed either by the owner or by a person of suitable age and discretion located at such address: *Provided*, That valid service upon the owner shall be deemed effected (1) if such order or notice shall be refused by the owner and not delivered for that reason; or (2) when delivered to the person to be notified; or (3) when left at the usual residence or place of business of the person to be notified with a person of suitable age and discretion then resident or employed therein; or (4) if no such residence or place of business can be found in the District by reasonable search, then if left with any person of suitable age and discretion employed at the office of any agent of the person to be notified, which agent has any authority or duty with reference to the land or tenement to which said order or notice relates; or (5) if any such order or notice forwarded by certified mail be returned for reasons other than refusal, or if personal service of any such order or notice, as hereinbefore provided, cannot be effected, then if published for one day each week for three consecutive weeks in a daily newspaper published in the District; or (6) if by reason of an outstanding unrecorded transfer of title the name of the owner in fact cannot be ascertained beyond a reasonable doubt, then if served on the owner of record in a manner hereinbefore provided. Any order or notice to a corporation shall, for the purposes of this Act, be deemed to have been served on such corporation if served on the president, secretary, treasurer, general manager, or any principal officer of such corporation in the manner hereinbefore provided for the service of orders or notices on natural persons holding property in their own right; and orders or notices to a foreign corporation shall, for the purposes of this Act, be deemed to have been served if served personally on any agent of such corporation, or if left with any person of suitable age and discretion residing at the usual residence or employed at the usual place of business of such agent in the District.

(b) In case such order or notice is served by any method other than personal service, notice shall also be sent to the owner by ordinary mail.

SEC. 404. Any person who shall violate any provision of this Act shall be punished by a fine not exceeding \$300 or by imprisonment for not more than ten days. In addition, such regulations as may be adopted by the District of Columbia Council under the authority of this Act may provide for the imposition of a fine of not more than \$300 or imprisonment for not more than ten days for each and every day any public space is used or occupied in a manner or for a purpose specifically prohibited by the said regulations.

Methods for
serving order or
notice.

Penalty.

Deposit of
rentals.

SEC. 405. Rent paid for the use of public space under the authority of this Act shall be deposited to the credit of such special funds or general fund of the District in such proportions as the Commissioner shall, in his discretion, determine.

Appropriation.

SEC. 406. Appropriations to carry out the purposes of this Act are hereby authorized.

Separability.

SEC. 407. If any provision of this Act or of the regulations promulgated under the authority of this Act is held invalid, such invalidity shall not affect other provisions either of this Act or of the said regulations which can be effected without the invalid provisions, and to this end the provisions of this Act and the said regulations are separable.

SEC. 408. Nothing contained in this Act shall be construed to affect in any manner the provisions of section 2 of the Act approved May 31, 1900 (31 Stat. 248; D.C. Code, sec. 7-117), with respect to streets heretofore or hereafter dedicated in accordance with the provisions of such Act, and to make use of the parking on any such street in accordance with the terms of the fourth proviso of such section 2, relating to the height of parking and the projection of buildings beyond the building line, the District's right-of-way through said parking for sewers and water mains free of cost, and the use of the parking by the District for the construction of sidewalks.

Effective dates.

SEC. 409. Titles I and IV of this Act shall take effect on the date of approval of this Act. Title II shall take effect the first day of the first month which occurs more than thirty days after the District of Columbia Council has first adopted and promulgated regulations to carry out the purposes of such title. Title III shall take effect on the 1st day of July which occurs three months or more after the date of approval of this Act.

Approved October 17, 1968.

Public Law 90-597

AN ACT

October 17, 1968
[H. R. 17273]

To amend the Act of September 21, 1959 (Public Law 86-339) relating to the Reservation of the Agua Caliente Band of Mission Indians.

Agua Caliente
Reservation,
Calif.

Guardians, ap-
pointments and
review.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Act of September 21, 1959 (73 Stat. 604; 25 U.S.C. 954), is amended to read as follows:

“(a) No guardian or other fiduciary shall be appointed under State law for the estate of any member of the band, or continued in office, except with approval of the Secretary: *Provided*, That no conservator for any member of the band shall be appointed under State law or continued in office after the effective date of this Act, unless the individual Indian concerned, with the approval of the Secretary, personally petitions for the appointment or continuation of such appointment. The Secretary shall be given notice of all proceedings in the State court with respect to the estate of any member of the band which is being administered, and he may at any time appear as a party in such proceedings, and may exercise all rights accorded to a party under State law.

“(b) No guardian, conservator or other fiduciary appointed under State law shall, in his official capacity, participate in the management or disposition of any property or interest therein which is held in trust by the United States for a member of the band or is subject to restric-

tions against alienation imposed by the laws of the United States, execute or approve any use, expenditure, investment, deposit, or disposition of such property or interest therein, or proceeds therefrom, or receive any fee or other compensation for services hereafter performed with respect to such property or interest therein. The provisions of this subsection shall not preclude any such person, in his private capacity, from participating in the management or disposition of such property or interest therein with the specific approval of the Secretary of the Interior. Actions with respect to the use, expenditure, investment, deposit, or disposition of such property or interests therein, or proceeds therefrom, shall be valid and efficacious in all respects without participation of affirmation by any guardian, conservator, or other fiduciary appointed under State law.

“(c) The Secretary, at any time, may require any guardian, conservator, or other fiduciary appointed under State law for a member of the band to submit a full and complete report concerning his handling of the estate during the preceding six years. If any person or entity required to do so by the Secretary fails or refuses to so report, or, if having reported, the Secretary concludes that any action connected therewith is fraudulent, or capricious or arbitrary or so grossly erroneous as necessarily to imply bad faith, he may request the Attorney General to cause an action to be brought in the name of the United States in the United States District Court for the Central District of California or in any such district court having jurisdiction over the person, or persons, and subject matter, for such relief as may be appropriate, and said courts are hereby granted jurisdiction to hear and determine such action.

Report.

“(d) The Secretary may require any money or property in the possession of a fiduciary at the time the fiduciary relationship is terminated, or which is recovered pursuant to this Act, to be delivered to him to be held in trust for the individual Indian concerned.

Money or property to be held in trust.

“(e) Under such regulations as he shall provide, and with the consent of the individual Indian concerned, unless the Secretary determines such Indian to be incompetent by reason of minority or otherwise, in which case such consent shall not be required, the Secretary may use, advance, expend, exchange, deposit, dispose of, invest and reinvest, in any manner and for any purpose, any money or other property held by the United States in trust for such Indian. The Secretary shall make no determination that an adult Indian is incompetent except after according him an opportunity to be heard upon reasonable notice, in accordance with the provisions of the Administrative Procedure Act. Unless the Indian otherwise agrees, the hearing shall be held in the State of California within sixty days of the date of notice. A person aggrieved by a determination of incompetency made by the Secretary shall be entitled to judicial review of such determination in accordance with sections 701-706 of title 5, United States Code.

Incompetency.

5 USC 551 et seq.

Judicial review.

80 Stat. 392.

“(f) Nothing herein shall be deemed to limit any authority possessed by the Secretary under any other provisions of law.”

Approved October 17, 1968.

Public Law 90-598

AN ACT

October 17, 1968
[S. 1246]

To authorize the Commissioner of the District of Columbia to enter into leases for the rental of, or to use or permit the use of, the space over and under streets and alleys in the District of Columbia, and for other purposes.

District of
Columbia Public
Space Utilization
Act.
Definitions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "District of Columbia Public Space Utilization Act".

SEC. 2. As used in this Act—

(1) The term "Commissioner" means the Commissioner of the District of Columbia.

(2) The term "District" means the District of Columbia.

(3) The term "airspace" means the space above and below a street or alley under the jurisdiction of the Commissioner.

Airspace leases,
etc.

SEC. 3. The Commissioner, in conformity with the comprehensive plan for the National Capital prepared under section 4 of the National Capital Planning Act of 1952 (40 U.S.C. 71c), may—

66 Stat. 785.

(1) enter into leases for the use of airspace in the District to an extent not inconsistent with the use, operation, and maintenance of, any street or alley;

(2) use airspace for such public purposes as are authorized by law;

(3) enter into agreements with the Federal Government for the purpose of receiving grants or other financial assistance under Federal programs in connection with the construction, use, or operation of any structure in airspace; and

(4) enter into agreements with the Federal Government to enable the Federal Government to construct Federal buildings in the space above and below any street or alley, title to which is in the District.

Private use
provisions.

SEC. 4. Any lease of airspace entered into under this Act shall provide—

(1) that such airspace shall not be used to deprive any real property not owned by the lessee of easements of light, air, and access;

(2) for a clearance of at least fifteen feet between the recorded grade of a street or alley and the lowest portion of any structure (other than supporting columns) constructed over such street or alley;

(3) that upon the expiration or termination of the lease of airspace the Commissioner may require (at the expense of the lessee or his successor in interest) the removal of any structure constructed or erected in such airspace and the restoration of such airspace to its condition prior to the construction or erection of such structure;

(4) that all the rights, duties, terms, conditions, agreements, and covenants set forth and contained in such lease shall run with the abutting real property owned by the lessee and shall apply to the lessee, his heirs, legal representatives, successors, and assignees;

(5) that the lessee shall, at his expense, record a copy of the lease in the Office of the Recorder of Deeds of the District of Columbia;

(6) for the payment of such rents and fees, and the posting of such bond or such other security, by the lessee, as the Commissioner determines to be necessary or desirable; and

(7) for such other terms and conditions as the Commissioner determines to be necessary or desirable.

SEC. 5. The Commissioner may execute a lease of airspace under this Act if—

Conditions.

(1) the lessee of the airspace has a fee simple title to the real property abutting such airspace and the lease is for airspace which lies only within the frontages of such abutting real property which are directly opposite;

(2) the Zoning Commission of the District of Columbia, after public hearing and after securing the advice and recommendations of the National Capital Planning Commission, has determined the use to be permitted in such airspace and has established regulations applicable to the use of such airspace consistent with regulations applicable to the abutting privately owned property, including limitations and requirements respecting the height of any structure to be erected in such airspace, offstreet parking and floor area ratios applicable to such structure, and easements of light, air, and access;

(3) the lessee has submitted to the Commissioner, for his review and approval, plans, elevations, sections, a description of the texture, material, and method of construction of the exterior walls, and a scale model, of any structure to be erected in such airspace;

(4) the Commissioner with respect to any structure proposed to be constructed in an area subject to the Act entitled "An Act to regulate the height, exterior design, and construction of private and semipublic buildings in certain areas of the National Capital", approved May 16, 1930 (D.C. Code, secs. 5-410 and 411), or the Act entitled "An Act to regulate the height, exterior design, and construction of private and semipublic buildings in the Georgetown area of the National Capital", approved September 22, 1950 (D.C. Code, title 5, ch. 8), has submitted to the Commission of Fine Arts for its review and recommendations, plans, elevations, sections, a description of the texture, material, and method of construction of the exterior walls, and a scale model, of any such structure; and

46 Stat. 366.

64 Stat. 903.
D.C. Code 5-801
to 5-807.

(5) the Commissioner, with respect to any structure proposed to be constructed over space utilized or to be utilized for the construction and operation of the subway of the Washington Metropolitan Area Transit Authority, has submitted to the Authority for its review and recommendations the plans, elevations, sections, and a scale model of any such structure.

SEC. 6. The District shall not pay the cost of any removal or relocation of publicly or privately owned facilities in a street or alley in connection with the construction of a structure in airspace leased under this Act. No such facilities may be removed or relocated unless the Commissioner has approved all arrangements for such removal or relocation.

SEC. 7. Zoning laws and regulations and other laws and regulations applicable to the construction, use, and occupancy of buildings and premises, including building, electrical, plumbing, housing, health, and fire regulations, shall be applicable to structures constructed in airspace.

Zoning laws and
regulations.

SEC. 8. (a) For the purposes of this Act, airspace and structures constructed or erected in airspace shall be deemed to be real property and shall be liable to assessment, taxation, and water and sewer service charges by the District from the beginning of the term or period of such lease. For the purposes of real property assessments and taxation, the value of airspace, other than any structure constructed or erected

Assessment and
taxation.

Exemptions.

in airspace, shall be its fair market value. No tax or assessment shall be levied with respect to airspace or structures in airspace—

(1) occupied exclusively by the Federal Government or the District government, or

(2) occupied and used by one or more organizations which, under section 1 of the Act entitled “An Act to define the real property exemption from taxation in the District of Columbia”, approved after December 24, 1942 (D.C. Code, sec. 47-801a), are exempt from real property taxation.

56 Stat. 1089.

Trust fund account.

SEC. 9. (a) Except as provided by subsection (b), all collections, including rents and fees, received by the District under this Act shall be deposited in the Treasury of the United States in a trust fund, from which may be paid, in the same manner as is provided by law for other expenditures of the District, such expenditures as are necessary to carry out the purposes of this Act, including necessary expenses connected with the operation, maintenance, and disposition of property coming into the possession of the District by reason of a default under a lease entered into under this Act. The unobligated balance in such trust fund in excess of \$100,000 as of the end of any fiscal year shall be deposited in the Treasury to the credit of such special funds or the general fund of the District in such proportions as the Commissioner may determine.

(b) Taxes (including payments in lieu of taxes), special assessments, and sanitary sewer and water service charges shall be deposited directly to the respective funds to which such revenues are normally deposited.

Structure removal.

SEC. 10. If, upon the expiration or termination of a lease of airspace under this Act—

(1) the Commissioner determines that any structure constructed or erected in such airspace should be removed or such airspace should be restored to its condition prior to the construction or erection of such structure, and

(2) the lessee or his successor in interest, upon the request of the Commissioner, fails, after a reasonable time, to remove such structure or to restore such airspace to its condition prior to the construction or erection of such structure,

the Commissioner may remove such structure and restore such airspace. The cost of such removal and restoration shall be assessed against the abutting properties as a tax. Such tax shall be collected in the manner prescribed by section 6 of the Act entitled “An Act to authorize the Commissioners of the District of Columbia to remove dangerous or unsafe buildings and parts thereof, and for other purposes”, approved March 1, 1899 (D.C. Code, sec. 5-506), for the collection of amounts assessed as a tax under that Act.

78 Stat. 600.

Regulations.

SEC. 11. (a) The District of Columbia Council shall, after public hearing, promulgate such regulations as may be necessary to carry out this Act.

Penalty.

(b) Any regulations promulgated under this Act may provide for the imposition of a fine of not more than \$300, or imprisonment of not more than ninety days, or both, for any violation of such regulations. Prosecution for violations of such regulations shall be conducted in the name of the District by the Corporation Counsel.

Prosecution.

(c) The Commissioner shall—

Notice of violation.

(1) give any person violating a regulation promulgated under this Act notice of such violation, and

(2) set a date by which such person shall comply with such regulation.

Each day after such date during which there is a failure to comply with such regulation shall be a separate offense.

(d) The Commissioner may maintain an action in the United States District Court for the District of Columbia to enjoin the continuing violation of any regulation adopted, under the authority of this Act, by the District of Columbia Council or by the Zoning Commission.

SEC. 12. The Federal Government and District government are each authorized, without regard to the requirements of sections 4 through 11 of this Act, to construct any structure in airspace, subject to the following conditions:

Federal and D.C.
structures; condi-
tions for erection.

(1) The government proposing to construct any structure in airspace shall have fee simple title to the real property abutting such real property.

(2) The airspace to be occupied by such structure shall be only within the frontages of the real property abutting such airspace which are directly opposite.

(3) The airspace to be occupied by such structure shall not be used to deprive any real property, not owned by the Federal Government or District government, of its easements of light, air, or access.

(4) The construction of any such structure by the District government across a street or alley, the title to which is in the United States, shall be in accordance with an agreement between the Commissioner and the Attorney General of the United States, subject to such terms and conditions as the Attorney General and the Commissioner agree to include in the agreement.

(5) Section 16 of the Act entitled "An Act providing for the zoning of the District of Columbia and regulation of the location, height, bulk, and uses of buildings and other structures and of the uses of land in the District of Columbia, and for other purposes", approved June 20, 1938 (D.C. Code, sec. 5-428), shall apply to the construction of any structure in such airspace by the Federal Government and, to the extent required by subsection (c) of section 5 of the National Capital Planning Act of 1952 (40 U.S.C. 71d(c)), to the construction of any structure in such airspace by the District government.

52 Stat. 802.

66 Stat. 787.

(6) Plans for the construction of any structure in such airspace by the Federal Government or the District government shall be subject to review by the National Capital Planning Commission in accordance with section 5 of the National Capital Planning Act of 1952 (40 U.S.C. 71d).

(7) The construction of any such structure by the Federal Government or the District government shall be subject to the recommendations of the Commission of Fine Arts to the extent required by the Act entitled "An Act to regulate the height, exterior design, and construction of private and semipublic buildings in certain areas of the National Capital", approved May 16, 1930 (D.C. Code, secs. 5-410 and 411), or the Act entitled "An Act to regulate the height, exterior design, and construction of private and semipublic buildings in the Georgetown area of the National Capital", approved September 22, 1950 (D.C. Code, title 5, chapter 8).

46 Stat. 366.

64 Stat. 903.
D.C. Code 5-801
to 5-807.

Condemned
space.

SEC. 13. If the Federal Government or the District government brings an action to recover the use of airspace leased under this Act, the government having title to the street or alley over or under which such airspace is located shall pay to the lessee of such airspace the fair market value of the remainder of his leasehold interest in such airspace. If the Federal Government recovers the use of airspace over or under a street to which it has title, the District government shall pay to the Federal Government an amount equal to the rents and fees received by the District government for the rental of such airspace or an amount equal to the fair market value of the remainder of the leasehold interest in such airspace, whichever is smaller.

Capitol Grounds
area, exemption.

SEC. 14. This Act shall not apply to airspace within the area in the District bounded on the north by G Street Northeast and Northwest, on the south by G Street Southeast and Southwest, on the east by Eleventh Street Northeast and Southeast, and on the west by Third Street Southwest and Northwest.

Approved October 17, 1968.

Public Law 90-599

AN ACT

October 17, 1968
[S. 3615]

To authorize the Secretary of the Army to convey to the port of Cascade Locks, Oregon, a certain interest in lands in the State of Oregon for municipal purposes.

Port of Cascade
Locks, Oreg.
Land convey-
ance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized and directed to convey by quitclaim deed or other appropriate means to the port of Cascade Locks, Oregon, so much of the right, title, and interest remaining in the United States in and to the following described property as may be necessary to enable the port of Cascade Locks to convey such described property to the city of Cascade Locks, Oregon, for use by such city as a sewage treatment plant site, such property being a part of a tract of land conveyed to the port of Cascade Locks pursuant to the Act of May 28, 1940 (54 Stat. 225), on the condition that such tract be used for municipal park and dock purposes:

Beginning at the center of section 12, township 2 north, range 7 east, Willamette meridian, in Hood River County, in the State of Oregon;

thence from said center of section north 1,206.3 feet to a point;

thence east 125 feet to a point;

thence south 203.5 feet to a point;

thence south 41 degrees 15 minutes west 578.6 feet to a point;

thence south 29 degrees 30 minutes east 60 feet to a point;

thence south 29 degrees 45 minutes west 75 feet to a point;

thence south 29 degrees 13 minutes west 58.51 feet to a point;

thence south 40 degrees 00 minutes west 135.5 feet to a point;

thence south 37 degrees 30 minutes west 100 feet to a point;

thence south 34 degrees 15 minutes west 101 feet to a point;

thence south 31 degrees 50 minutes west 100 feet to a point;

thence south 30 degrees 20 minutes west 100 feet to a point;

thence south 30 degrees 10 minutes west 1,090.8 feet to a point;

thence north 59 degrees 50 minutes west 130.0 feet to the true point of beginning of the parcel of land herein described, said point being also north 30 degrees 10 minutes east 499.30 feet and north 59 degrees 50 minutes west 130.0 feet from a brass cap mark-

ing the beginning point of the Indian Fishing Grounds Tract;
 thence from said true point of beginning by metes and bounds;
 south 30 degrees 10 minutes west 130.0 feet;
 thence north 59 degrees 50 minutes west a distance of 79 feet
 more or less to the water's edge;
 thence upstream along the water's edge 130 feet more or less to
 a point that is north 59 degrees 50 minutes west 86 feet more or
 less from the point of beginning;
 thence south 59 degrees 50 minutes east 86 feet more or less to
 the true point of beginning, containing 0.246 acres.

SEC. 2. The conveyance authorized by this Act shall be subject to the conditions that (1) the port of Cascade Locks, Oregon, pay to the Secretary of the Army as consideration for the interest conveyed an amount equal to 50 per centum of the fair market value of such interest as determined by the Secretary after appraisal; (2) the port of Cascade Locks, Oregon, agree to convey the property described in the first section of this Act to the city of Cascade Locks, Oregon, for use by such city as a sewage treatment plant site; (3) the city of Cascade Locks, Oregon, enter into an agreement with the Secretary of the Army in which the city of Cascade Locks agrees that such property conveyed to it for a sewage treatment plant site shall be used solely for that purpose and that in the event that such property ceases to be so used, all right, title, and interest therein shall immediately revert to the United States; and (4) the Secretary of the Army may include any additional terms, reservations, and restrictions as he deems necessary for the operation, management, and development of the Bonneville Dam and Reservoir project as may be in the public interest.

Approved October 17, 1968.

Conditions.

Public Law 90-600

AN ACT

To provide for the striking of medals in commemoration of the one hundred and fiftieth anniversary of the founding of the city of Memphis.

October 17, 1968
 [H.R. 17361]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in commemoration of the one hundred and fiftieth anniversary of the founding of the city of Memphis (which anniversary will be celebrated in 1969), the Secretary of the Treasury is authorized and directed to strike and furnish to the Memphis Sesquicentennial Corporation not more than one hundred thousand medals with suitable emblems, devices, and inscriptions to be determined by the Memphis Sesquicentennial Corporation subject to the approval of the Secretary of the Treasury. The medals shall be made and delivered at such times as may be required by the corporation in quantities of not less than two thousand, but no medals shall be made after December 31, 1969. The medals shall be considered to be national medals within the meaning of section 3351 of the Revised Statutes.

Memphis, Tenn.
 150th anniversary medals.

SEC. 2. The Secretary of the Treasury shall cause such medals to be struck and furnished at not less than the estimated cost of manufacture; including labor, materials, dies, use of machinery, and overhead expenses; and security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for full payment of such costs.

SEC. 3. The medals authorized to be issued pursuant to this Act shall be of such size or sizes and of such metals as shall be determined by the Secretary of the Treasury in consultation with such corporation.

Approved October 17, 1968.

31 USC 368.

Public Law 90-601

October 17, 1968
[S. 1763]

AN ACT

To promote the economic development of Guam.

Guam Development Fund Act of 1968.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Guam Development Fund Act of 1968".

PURPOSE

Appropriation.

SEC. 2. For the purpose of promoting economic development in the territory of Guam, there is hereby authorized to be appropriated to the Secretary of the Interior to be paid to the government of Guam for the purposes of this Act the sum of \$5,000,000.

Plan.

SEC. 3. Prior to receiving any funds pursuant to this Act the government of Guam shall submit to the Secretary of the Interior a plan for the use of such funds which meets the requirements of this section and is approved by the Secretary. The plan shall designate an agency or agencies of such government as the agency or agencies for the administration of the plan and shall set forth the policies and procedures to be followed in furthering the economic development of Guam through a program which shall include and make provision for loans and loan guarantees to promote the development of private enterprise and private industry in Guam through a revolving fund for such purposes: *Provided*, That the term of any loan made pursuant to the plan shall not exceed twenty-five years; that such loans shall bear interest (exclusive of premium charges for insurance, and service charges, if any) at such rate per annum as is determined to be reasonable and as approved by the Secretary, but in no event less than a rate equal to the average yield on outstanding marketable obligations of the United States as of the last day of the month preceding the date of the loan, adjusted to the nearest one-eighth of 1 per centum, which rate shall be determined by the Secretary of the Treasury upon the request of the authorized agency or agencies of the government of Guam; and that premium charges for the insurance and guarantee of loans shall be commensurate, in the judgment of the agency or agencies administering the fund, with expenses and risks covered.

Loans.

Maximum participation in available funds.

SEC. 4. No loan or loan guarantee shall be made under this Act to any applicant who does not satisfy the agency or agencies administering the plan that financing is otherwise unavailable on reasonable terms and conditions. The maximum participation in the funds made available under section 2 of this Act shall be limited (a) so that not more than 25 per centum of the funds actually appropriated by the Congress may be devoted to any single project (b) to 90 per centum of loan guarantee, and (c) with respect to all loans, to that degree of participation prudent under the circumstances of individual loans but directly related to the minimum essential participation necessary to accomplish the purposes of this Act: *Provided*, That, with respect to loan guarantees, the reserves maintained by the agency or agencies for the guarantees shall not be less than 25 per centum of the guarantee.

Accounting procedures.

SEC. 5. The plan provided for in section 3 of this Act shall set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement, repayment, and accounting for such funds.

SEC. 6. The Governor of Guam shall make an annual report to the Secretary of the Interior on the administration of this Act who shall then forward copies of such reports to the Speaker of the House of Representatives and the President of the Senate.

Report, trans-
mittal to Con-
gress.

SEC. 7. The Comptroller General of the United States, or any of his duly authorized representatives, shall have access, for the purpose of audit and examination, to the books, documents, papers, and records of the agency, or agencies, of the government of Guam administering the plan that are pertinent to the funds received under this Act.

Auditing.

Approved October 17, 1968.

Public Law 90-602

AN ACT

To amend the Public Health Service Act to provide for the protection of the public health from radiation emissions from electronic products.

October 18, 1968
[H. R. 10790]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Radiation Con-
trol for Health and
Safety Act of 1968.

SHORT TITLE

SECTION 1. This Act may be cited as the "Radiation Control for Health and Safety Act of 1968".

AMENDMENTS TO PUBLIC HEALTH SERVICE ACT

SEC. 2. Part F of title III of the Public Health Service Act is amended—

58 Stat. 703; 81
Stat. 536.
42 USC 262-263a.

(1) by striking out the heading for such part and inserting in lieu thereof the following:

"PART F—LICENSING OF BIOLOGICAL PRODUCTS AND CLINICAL LABORATORIES AND CONTROL OF RADIATION

"SUBPART 1—BIOLOGICAL PRODUCTS";

(2) by inserting immediately above the section heading of section 353 the following:

"SUBPART 2—CLINICAL LABORATORIES"; and

(3) by adding at the end of such part F the following new subpart:

"SUBPART 3—ELECTRONIC PRODUCT RADIATION CONTROL

"DECLARATION OF PURPOSE

"SEC. 354. The Congress hereby declares that the public health and safety must be protected from the dangers of electronic product radia-

tion. Thus, it is the purpose of this subpart to provide for the establishment by the Secretary of an electronic product radiation control program which shall include the development and administration of performance standards to control the emission of electronic product radiation from electronic products and the undertaking by public and private organizations of research and investigation into the effects and control of such radiation emissions.

“DEFINITIONS

“SEC. 355. As used in this subpart—

“(1) the term ‘electronic product radiation’ means—

“(A) any ionizing or non-ionizing electromagnetic or particulate radiation, or

“(B) any sonic, infrasonic, or ultrasonic wave, which is emitted from an electronic product as the result of the operation of an electronic circuit in such product;

“(2) the term ‘electronic product’ means (A) any manufactured or assembled product which, when in operation, (i) contains or acts as part of an electronic circuit and (ii) emits (or in the absence of effective shielding or other controls would emit) electronic product radiation, or (B) any manufactured or assembled article which is intended for use as a component, part, or accessory of a product described in clause (A) and which when in operation emits (or in the absence of effective shielding or other controls would emit) such radiation;

“(3) the term ‘manufacturer’ means any person engaged in the business of manufacturing, assembling, or importing of electronic products;

“(4) the term ‘commerce’ means (A) commerce between any place in any State and any place outside thereof; and (B) commerce wholly within the District of Columbia; and

“(5) the term ‘State’ includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

“ELECTRONIC PRODUCT RADIATION CONTROL PROGRAM

“SEC. 356. (a) The Secretary shall establish and carry out an electronic product radiation control program designed to protect the public health and safety from electronic product radiation. As a part of such program, he shall—

“(1) pursuant to section 358, develop and administer performance standards for electronic products;

“(2) plan, conduct, coordinate, and support research, development, training, and operational activities to minimize the emissions of and the exposure of people to, unnecessary electronic product radiation;

“(3) maintain liaison with and receive information from other Federal and State departments and agencies with related interests, professional organizations, industry, industry and labor associations, and other organizations on present and future potential electronic product radiation;

“(4) study and evaluate emissions of, and conditions of exposure to, electronic product radiation and intense magnetic fields;

“(5) develop, test, and evaluate the effectiveness of procedures and techniques for minimizing exposure to electronic product radiation; and

“(6) consult and maintain liaison with the Secretary of Commerce, the Secretary of Defense, the Secretary of Labor, the Atomic Energy Commission, and other appropriate Federal departments and agencies on (A) techniques, equipment, and programs for testing and evaluating electronic product radiation, and (B) the development of performance standards pursuant to section 358 to control such radiation emissions.

“(b) In carrying out the purposes of subsection (a), the Secretary is authorized to—

“(1) (A) collect and make available, through publications and other appropriate means, the results of, and other information concerning, research and studies relating to the nature and extent of the hazards and control of electronic product radiation; and (B) make such recommendations relating to such hazards and control as he considers appropriate;

“(2) make grants to public and private agencies, organizations, and institutions, and to individuals for the purposes stated in paragraphs (2), (4), and (5) of subsection (a) of this section;

“(3) contract with public or private agencies, institutions, and organizations, and with individuals, without regard to sections 3648 and 3709 of the Revised Statutes of the United States (31 U.S.C. 529, 41 U.S.C. 5); and

“(4) procure (by negotiation or otherwise) electronic products for research and testing purposes, and sell or otherwise dispose of such products.

“(c) (1) Each recipient of assistance under this subpart pursuant to grants or contracts entered into under other than competitive bidding procedures shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

Records.

“(2) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, docu-

ments, papers, and records of the recipients that are pertinent to the grants or contracts entered into under this subpart under other than competitive bidding procedures.

“STUDIES BY THE SECRETARY

Report to Congress.

“SEC. 357. (a) The Secretary shall conduct the following studies, and shall make a report or reports of the results of such studies to the Congress on or before January 1, 1970, and from time to time thereafter as he may find necessary, together with such recommendations for legislation as he may deem appropriate:

“(1) A study of present State and Federal control of health hazards from electronic product radiation and other types of ionizing radiation, which study shall include, but not be limited to—

“(A) control of health hazards from radioactive materials other than materials regulated under the Atomic Energy Act of 1954;

“(B) any gaps and inconsistencies in present controls;

“(C) the need for controlling the sale of certain used electronic products, particularly antiquated X-ray equipment, without upgrading such products to meet the standards for new products or separate standards for used products;

“(D) measures to assure consistent and effective control of the aforementioned health hazards;

“(E) measures to strengthen radiological health programs of State governments; and

“(F) the feasibility of authorizing the Secretary to enter into arrangements with individual States or groups of States to define their respective functions and responsibilities for the control of electronic product radiation and other ionizing radiation;

“(2) A study to determine the necessity for the development of standards for the use of nonmedical electronic products for commercial and industrial purposes; and

“(3) A study of the development of practicable procedures for the detection and measurement of electronic product radiation which may be emitted from electronic products manufactured or imported prior to the effective date of any applicable standard established pursuant to this subpart.

“(b) In carrying out these studies, the Secretary shall invite the participation of other Federal departments and agencies having related responsibilities and interests, State governments—particularly those of States which regulate radioactive materials under section 274 of the Atomic Energy Act of 1954, as amended, and interested professional, labor, and industrial organizations. Upon request from congressional committees interested in these studies, the Secretary shall keep these committees currently informed as to the progress of the studies and shall permit the committees to send observers to meetings of the study groups.

“(c) The Secretary or his designee shall organize the studies and the participation of the invited participants as he deems best. Any dissent from the findings and recommendations of the Secretary shall be included in the report if so requested by the dissenter.

68 Stat. 919,
42 USC 2011
note.

73 Stat. 688,
42 USC 2021.

"PERFORMANCE STANDARDS FOR ELECTRONIC PRODUCTS

"SEC. 358. (a) (1) The Secretary shall by regulation prescribe performance standards for electronic products to control the emission of electronic product radiation from such products if he determines that such standards are necessary for the protection of the public health and safety. Such standards may include provisions for the testing of such products and the measurement of their electronic product radiation emissions, may require the attachment of warning signs and labels, and may require the provision of instructions for the installation, operation, and use of such products. Such standards may be prescribed from time to time whenever such determinations are made, but the first of such standards shall be prescribed prior to January 1, 1970. In the development of such standards, the Secretary shall consult with Federal and State departments and agencies having related responsibilities or interests and with appropriate professional organizations and interested persons, including representatives of industries and labor organizations which would be affected by such standards, and shall give consideration to—

"(A) the latest available scientific and medical data in the field of electronic product radiation;

"(B) the standards currently recommended by (i) other Federal agencies having responsibilities relating to the control and measurement of electronic product radiation, and (ii) public or private groups having an expertise in the field of electronic product radiation;

"(C) the reasonableness and technical feasibility of such standards as applied to a particular electronic product;

"(D) the adaptability of such standards to the need for uniformity and reliability of testing and measuring procedures and equipment; and

"(E) in the case of a component, or accessory described in paragraph (2) (B) of section 355, the performance of such article in the manufactured or assembled product for which it is designed.

"(2) The Secretary may prescribe different and individual performance standards, to the extent appropriate and feasible, for different electronic products so as to recognize their different operating characteristics and uses.

"(3) The performance standards prescribed under this section shall not apply to any electronic product which is intended solely for export if (A) such product and the outside of any shipping container used in the export of such product are labeled or tagged to show that such product is intended for export, and (B) such product meets all the applicable requirements of the country to which such product is intended for export.

"(4) The Secretary may by regulation amend or revoke any performance standard prescribed under this section.

"(5) The Secretary may exempt from the provisions of this section any electronic product intended for use by departments or agencies of the United States provided such department or agency has pre-

scribed procurement specifications governing emissions of electronic product radiation and provided further that such product is of a type used solely or predominantly by departments or agencies of the United States.

“(b) The provisions of subchapter II of chapter 5 of title 5 of the United States Code (relating to the administrative procedure for rulemaking), and of chapter 7 of such title (relating to judicial review), shall apply with respect to any regulation prescribing, amending, or revoking any standard prescribed under this section.

“(c) Each regulation prescribing, amending, or revoking a standard shall specify the date on which it shall take effect which, in the case of any regulation prescribing, or amending any standard, may not be sooner than one year or not later than two years after the date on which such regulation is issued, unless the Secretary finds, for good cause shown, that an earlier or later effective date is in the public interest and publishes in the Federal Register his reason for such finding, in which case such earlier or later date shall apply.

“(d) (1) In a case of actual controversy as to the validity of any regulation issued under this section prescribing, amending, or revoking a performance standard, any person who will be adversely affected by such regulation when it is effective may at any time prior to the sixtieth day after such regulation is issued file a petition with the United States court of appeals for the circuit wherein such person resides or has his principal place of business, for a judicial review of such regulation. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or other officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based the regulation, as provided in section 2112 of title 28 of the United States Code.

“(2) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Secretary, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Secretary, and to be adduced upon the hearing, in such manner and upon such terms and conditions as to the court may seem proper. The Secretary may modify his findings, or make new findings, by reason of the additional evidence so taken, and he shall file such modified or new findings, and his recommendations, if any, for the modification or setting aside of his original regulation, with the return of such additional evidence.

“(3) Upon the filing of the petition referred to in paragraph (1) of this subsection, the court shall have jurisdiction to review the regulation in accordance with chapter 7 of title 5 of the United States Code and to grant appropriate relief as provided in such chapter.

“(4) The judgment of the court affirming or setting aside, in whole or in part, any such regulation of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

“(5) Any action instituted under this subsection shall survive, notwithstanding any change in the person occupying the office of Secretary or any vacancy in such office.

“(6) The remedies provided for in this subsection shall be in addition to and not in substitution for any other remedies provided by law.

“(e) A certified copy of the transcript of the record and adminis-

80 Stat. 381.
5 USC 551, 701.

Publication in
Federal Register.

Petition for
judicial review.

72 Stat. 941;
80 Stat. 1323.

62 Stat. 928.

trative proceedings under this section shall be furnished by the Secretary to any interested party at his request, and payment of the costs thereof, and shall be admissible in any criminal, exclusion of imports, or other proceeding arising under or in respect of this subpart, irrespective of whether proceedings with respect to the regulation have previously been initiated or become final under this section.

“(f)(1)(A) The Secretary shall establish a Technical Electronic Product Radiation Safety Standards Committee (hereafter in this subpart referred to as the ‘Committee’) which he shall consult before prescribing any standard under this section. The Committee shall be appointed by the Secretary, after consultation with public and private agencies concerned with the technical aspect of electronic product radiation safety, and shall be composed of fifteen members each of whom shall be technically qualified by training and experience in one or more fields of science or engineering applicable to electronic product radiation safety, as follows:

Technical Elec-
tronic Product Radia-
tion Safety Stand-
ards Committee.

“(i) Five members shall be selected from governmental agencies, including State and Federal Governments;

“(ii) Five members shall be selected from the affected industries after consultation with industry representatives; and

“(iii) Five members shall be selected from the general public, of which at least one shall be a representative of organized labor.

“(B) The Committee may propose electronic product radiation safety standards to the Secretary for his consideration. All proceedings of the Committee shall be recorded and the record of each such proceeding shall be available for public inspection.

Safety standards,
proposal.

“(2) Members of the Committee who are not officers or employees of the United States shall, while attending meetings or conferences of the Committee or otherwise engaged in the business of the Committee, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding \$100 per diem (including traveltime), and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized in section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently. Payments under this subsection shall not render members of the Committee officers or employees of the United States for any purpose.

Compensation.

“(g) The Secretary shall review and evaluate on a continuing basis testing programs carried out by industry to assure the adequacy of safeguards against hazardous electronic product radiation and to assure that electronic products comply with standards prescribed under this section.

Review and
evaluation.

“(h) Every manufacturer of an electronic product to which is applicable a standard in effect under this section shall furnish to the distributor or dealer at the time of delivery of such product, in the form of a label or tag permanently affixed to such product or in such manner as approved by the Secretary, the certification that such product conforms to all applicable standards under this section. Such certification shall be based upon a test, in accordance with such standard, of the individual article to which it is attached or upon a testing program which is in accord with good manufacturing practice and which has not been disapproved by the Secretary (in such manner as he shall prescribe by regulation) on the grounds that it does not assure the adequacy of safeguards against hazardous electronic product radiation or that it does not assure that electronic products comply with the standards prescribed under this section.

Product certi-
fication.

80 Stat. 499.

“NOTIFICATION OF DEFECTS IN, AND REPAIR OR REPLACEMENT OF,
ELECTRONIC PRODUCTS

“SEC. 359. (a) (1) Every manufacturer of electronic products who discovers that an electronic product produced, assembled, or imported by him has a defect which relates to the safety of use of such product by reason of the emission of electronic product radiation, or that an electronic product produced, assembled, or imported by him on or after the effective date of an applicable standard prescribed pursuant to section 358 fails to comply with such standard, shall immediately notify the Secretary of such defect or failure to comply if such product has left the place of manufacture and shall (except as authorized by paragraph (2)) with reasonable promptness furnish notification of such defect or failure to the persons (where known to the manufacturer) specified in subsection (b) of this section.

“(2) If, in the opinion of such manufacturer, the defect or failure to comply is not such as to create a significant risk of injury, including genetic injury, to any person, he may, at the time of giving notice to the Secretary of such defect or failure to comply, apply to the Secretary for an exemption from the requirement of notice to the persons specified in subsection (b). If such application states reasonable grounds for such exemption, the Secretary shall afford such manufacturer an opportunity to present his views and evidence in support of the application, the burden of proof being on the manufacturer. If, after such presentation, the Secretary is satisfied that such defect or failure to comply is not such as to create a significant risk of injury, including genetic injury, to any person, he shall exempt such manufacturer from the requirement of notice to the persons specified in subsection (b) of this section and from the requirements of repair or replacement imposed by subsection (f) of this section.

“(b) The notification (other than to the Secretary) required by paragraph (1) of subsection (a) of this section shall be accomplished—

“(1) by certified mail to the first purchaser of such product for purposes other than resale, and to any subsequent transferee of such product; and

“(2) by certified mail or other more expeditious means to the dealers or distributors of such manufacturer to whom such product was delivered.

“(c) The notifications required by paragraph (1) of subsection (a) of this section shall contain a clear description of such defect or failure to comply with an applicable standard, an evaluation of the hazard reasonably related to such defect or failure to comply, and a statement of the measures to be taken to repair such defect. In the case of a notification to a person referred to in subsection (b) of this section, the notification shall also advise the person of his rights under subsection (f) of this section.

“(d) Every manufacturer of electronic products shall furnish to the Secretary a true or representative copy of all notices, bulletins, and other communications to the dealers or distributors of such manufacturer or to purchasers (or subsequent transferees) of electronic products of such manufacturer regarding any such defect in such product or any such failure to comply with a standard applicable to such product. The Secretary shall disclose to the public so much of the information contained in such notice or other information obtained under section 360A as he deems will assist in carrying out the purposes of this subpart, but he shall not disclose any information which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code unless he determines that it is necessary to carry out the purposes of this subpart.

“(e) If through testing, inspection, investigation, or research carried out pursuant to this subpart, or examination of reports submitted pursuant to section 360A, or otherwise, the Secretary determines that any electronic product—

“(1) does not comply with an applicable standard prescribed pursuant to section 358; or

“(2) contains a defect which relates to the safety of use of such product by reason of the emission of electronic product radiation; he shall immediately notify the manufacturer of such product of such defect or failure to comply. The notice shall contain the findings of the Secretary and shall include all information upon which the findings are based. The Secretary shall afford such manufacturer an opportunity to present his views and evidence in support thereof, to establish that there is no failure of compliance or that the alleged defect does not exist or does not relate to safety of use of the product by reason of the emission of such radiation hazard. If after such presentation by the manufacturer the Secretary determines that such product does not comply with an applicable standard prescribed pursuant to section 358, or that it contains a defect which relates to the safety of use of such product by reason of the emission of electronic product radiation, the Secretary shall direct the manufacturer to furnish the notification specified in subsection (c) of this section to the persons specified in paragraphs (1) and (2) of subsection (b) of this section (where known to the manufacturer), unless the manufacturer has applied for an exemption from the requirement of such notification on the ground specified in paragraph (2) of subsection (a) and the Secretary is satisfied that such noncompliance or defect is not such as to create a significant risk of injury, including genetic injury, to any person.

“(f) If any electronic product is found under subsection (a) or (e) to fail to comply with an applicable standard prescribed under this subpart or to have a defect which relates to the safety of use of such product, and the notification specified in subsection (c) is required to be furnished on account of such failure or defect, the manufacturer of such product shall (1) without charge, bring such product into conformity with such standard or remedy such defect and provide reimbursement for any expenses for transportation of such product incurred in connection with having such product brought into conformity or having such defect remedied, (2) replace such product with a like or equivalent product which complies with each applicable standard prescribed under this subpart and which has no defect relating to the safety of its use, or (3) make a refund of the cost of such product. The manufacturer shall take the action required by this subsection in such manner, and with respect to such persons, as the Secretary by regulations shall prescribe.

“(g) This section shall not apply to any electronic product that was manufactured before the date of the enactment of this subpart.

“IMPORTS

“SEC. 360. (a) Any electronic product offered for importation into the United States which fails to comply with an applicable standard prescribed under this subpart, or to which is not affixed a certification in the form of a label or tag in conformity with section 358(h) shall be refused admission into the United States. The Secretary of the Treasury shall deliver to the Secretary of Health, Education, and Welfare, upon the latter's request, samples of electronic products which are being imported or offered for import into the United States, giving notice thereof to the owner or consignee, who may have a hearing before the Secretary of Health, Education, and Welfare. If

it appears from an examination of such samples or otherwise that any electronic product fails to comply with applicable standards prescribed pursuant to section 358, then, unless subsection (b) of this section applies and is complied with, (1) such electronic product shall be refused admission, and (2) the Secretary of the Treasury shall cause the destruction of such electronic product unless such article is exported, under regulations prescribed by the Secretary of the Treasury, within 90 days after the date of notice of refusal of admission or within such additional time as may be permitted by such regulations.

"(b) If it appears to the Secretary of Health, Education, and Welfare that any electronic product refused admission pursuant to subsection (a) of this section can be brought into compliance with applicable standards prescribed pursuant to section 358, final determination as to admission of such electronic product may be deferred upon filing of timely written application by the owner or consignee and the execution by him of a good and sufficient bond providing for the payment of such liquidated damages in the event of default as the Secretary of Health, Education, and Welfare may by regulation prescribe. If such application is filed and such bond is executed the Secretary of Health, Education, and Welfare may, in accordance with rules prescribed by him, permit the applicant to perform such operations with respect to such electronic product as may be specified in the notice of permission.

"(c) All expenses (including travel, per diem or subsistence, and salaries of officers or employees of the United States) in connection with the destruction provided for in subsection (a) of this section and the supervision of operations provided for in subsection (b) of this section, and all expenses in connection with the storage, carriage, or labor with respect to any electronic product refused admission pursuant to subsection (a) of this section, shall be paid by the owner or consignee, and, in event of default, shall constitute a lien against any future importations made by such owner or consignee.

"(d) It shall be the duty of every manufacturer offering an electronic product for importation into the United States to designate in writing an agent upon whom service of all administrative and judicial processes, notices, orders, decisions, and requirements may be made for and on behalf of said manufacturer, and to file such designation with the Secretary, which designation may from time to time be changed by like writing, similarly filed. Service of all administrative and judicial processes, notices, orders, decisions, and requirements may be made upon said manufacturer by service upon such designated agent at his office or usual place of residence with like effect as if made personally upon said manufacturer, and in default of such designation of such agent, service of process, notice, order, requirement, or decision in any proceeding before the Secretary or in any judicial proceeding for enforcement of this subpart or any standards prescribed pursuant to this subpart may be made by posting such process, notice, order, requirement, or decision in the Office of the Secretary or in a place designated by him by regulation.

"Sec. 360A. (a) If the Secretary finds for good cause that the methods, tests, or programs related to electronic product radiation safety in a particular factory, warehouse, or establishment in which electronic products are manufactured or held, may not be adequate or reliable, officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are thereafter authorized (1) to enter, at reasonable times, any area in such factory, warehouse, or establishment in which the manufacturer's tests (or testing programs) required by section 358(h) are carried out, and (2) to in-

spect, at reasonable times and within reasonable limits and in a reasonable manner, the facilities and procedures within such area which are related to electronic product radiation safety. Each such inspection shall be commenced and completed with reasonable promptness. In addition to other grounds upon which good cause may be found for purposes of this subsection, good cause will be considered to exist in any case where the manufacturer has introduced into commerce any electronic product which does not comply with an applicable standard prescribed under this subpart and with respect to which no exemption from the notification requirements has been granted by the Secretary under section 359(a)(2) or 359(e).

“(b) Every manufacturer of electronic products shall establish and maintain such records (including testing records), make such reports, and provide such information, as the Secretary may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this subpart and standards prescribed pursuant to this subpart and shall, upon request of an officer or employee duly designated by the Secretary, permit such officer or employee to inspect appropriate books, papers, records, and documents relevant to determining whether such manufacturer has acted or is acting in compliance with standards prescribed pursuant to this subpart. Records.

“(c) Every manufacturer of electronic products shall provide to the Secretary such performance data and other technical data related to safety as may be required to carry out the purposes of this subpart. The Secretary is authorized to require the manufacturer to give such notification of such performance and technical data at the time of original purchase to the ultimate purchaser of the electronic product, as he determines necessary to carry out the purposes of this subpart after consulting with the affected industry.

“(d) Accident and investigation reports made under this subpart by any officer, employee, or agent of the Secretary shall be available for use in any civil, criminal, or other judicial proceeding arising out of such accident. Any such officer, employee, or agent may be required to testify in such proceedings as to the facts developed in such investigations. Any such report shall be made available to the public in a manner which need not identify individuals. All reports on research projects, demonstration projects, and other related activities shall be public information.

“(e) The Secretary or his representative shall not disclose any information reported to or otherwise obtained by him, pursuant to subsection (a) or (b) of this section, which concerns any information which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code, except that such information may be disclosed to other officers or employees of the Department and of other agencies concerned with carrying out this subpart or when relevant in any proceeding under this subpart. Nothing in this section shall authorize the withholding of information by the Secretary, or by any officers or employees under his control, from the duly authorized committees of the Congress.

62 Stat. 791.

“(f) The Secretary may by regulation (1) require dealers and distributors of electronic products, to which there are applicable standards prescribed under this subpart and the retail prices of which is not less than \$50, to furnish manufacturers of such products such information as may be necessary to identify and locate, for purposes of section 359, the first purchasers of such products for purposes other than resale, and (2) require manufacturers to preserve such information.

Any regulation establishing a requirement pursuant to clause (1) of the preceding sentence shall (A) authorize such dealers and distributors to elect, in lieu of immediately furnishing such information to the manufacturer, to hold and preserve such information until advised by the manufacturer or Secretary that such information is needed by the manufacturer for purposes of section 359, and (B) provide that the dealer or distributor shall, upon making such election, give prompt notice of such election (together with information identifying the notifier and the product) to the manufacturer and shall, when advised by the manufacturer or Secretary, of the need therefor for the purposes of section 359, immediately furnish the manufacturer with the required information. If a dealer or distributor discontinues the dealing in or distribution of electronic products, he shall turn the information over to the manufacturer. Any manufacturer receiving information pursuant to this subsection concerning first purchasers of products for purposes other than resale shall treat it as confidential and may use it only if necessary for the purpose of notifying persons pursuant to section 359(a).

"PROHIBITED ACTS

"SEC. 360B. (a) It shall be unlawful—

"(1) for any manufacturer to introduce, or to deliver for introduction, into commerce, or to import into the United States, any electronic product which does not comply with an applicable standard prescribed pursuant to section 358;

"(2) for any person to fail to furnish any notification or other material or information required by section 359 or 360A; or to fail to comply with the requirements of section 359(f);

"(3) for any person to fail or to refuse to establish or maintain records required by this subpart or to permit access by the Secretary or any of his duly authorized representatives to, or the copying of, such records, or to permit entry or inspection, as required by or pursuant to section 360A;

"(4) for any person to fail or to refuse to make any report required pursuant to section 360A(b) or to furnish or preserve any information required pursuant to section 360A(f); or

"(5) for any person (A) to fail to issue a certification as required by section 358(h), or (B) to issue such a certification when such certification is not based upon a test or testing program meeting the requirements of section 358(h) or when the issuer, in the exercise of due care, would have reason to know that such certification is false or misleading in a material respect.

"(b) The Secretary may exempt any electronic product, or class thereof, from all or part of subsection (a), upon such conditions as he may find necessary to protect the public health or welfare, for the purpose of research, investigations, studies, demonstrations, or training, or for reasons of national security.

"ENFORCEMENT

"SEC. 360C. (a) The district courts of the United States shall have jurisdiction, for cause shown, to restrain violations of section 360B and to restrain dealers and distributors of electronic products from selling or otherwise disposing of electronic products which do not conform to an applicable standard prescribed pursuant to section 358

except when such products are disposed of by returning them to the distributor or manufacturer from whom they were obtained. The district courts of the United States shall also have jurisdiction in accordance with section 1355 of title 28 of the United States Code to enforce the provisions of subsection (b) of this section.

62 Stat. 934.

“(b)(1) Any person who violates section 360B shall be subject to a civil penalty of not more than \$1,000. For purposes of this subsection, any such violation shall with respect to each electronic product involved, or with respect to each act or omission made unlawful by section 360B, constitute a separate violation, except that the maximum civil penalty imposed on any person under this subsection for any related series of violations shall not exceed \$300,000.

“(2) Any such civil penalty may on application be remitted or mitigated by the Secretary. In determining the amount of such penalty, or whether it should be remitted or mitigated and in what amount, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. The amount of such penalty, when finally determined, may be deducted from any sums owing by the United States to the person charged.

“(c) Actions under subsections (a) and (b) of this section may be brought in the district court of the United States for the district wherein any act or omission or transaction constituting the violation occurred, or in such court for the district where the defendant is found or transacts business, and process in such cases may be served in any other district of which the defendant is an inhabitant or wherever the defendant may be found.

“(d) Nothing in this subpart shall be construed as requiring the Secretary to report for the institution of proceedings minor violations of this subpart whenever he believes that the public interest will be adequately served by a suitable written notice or warning.

“(e) Except as provided in the first sentence of section 360F, compliance with this subpart or any regulations issued thereunder shall not relieve any person from liability at common law or under statutory law.

“(f) The remedies provided for in this subpart shall be in addition to and not in substitution for any other remedies provided by law.

“ANNUAL REPORT

“SEC. 360D. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress on or before April 1 of each year a comprehensive report on the administration of this subpart for the preceding calendar year. Such report shall include—

Report to Congress.

“(1) a thorough appraisal (including statistical analyses, estimates, and long-term projections) of the incidence of biological injury and effects, including genetic effects, to the population resulting from exposure to electronic product radiation, with a breakdown, insofar as practicable, among the various sources of such radiation;

“(2) a list of Federal electronic product radiation control standards prescribed or in effect in such year, with identification of standards newly prescribed during such year;

“(3) an evaluation of the degree of observance of applicable standards, including a list of enforcement actions, court deci-

sions, and compromises of alleged violations by location and company name;

"(4) a summary of outstanding problems confronting the administration of this subpart in order of priority;

"(5) an analysis and evaluation of research activities completed as a result of Government and private sponsorship, and technological progress for safety achieved during such year;

"(6) a list, with a brief statement of the issues, of completed or pending judicial actions under this subpart;

"(7) the extent to which technical information was disseminated to the scientific, commercial, and labor community and consumer-oriented information was made available to the public; and

"(8) the extent of cooperation between Government officials and representatives of industry and other interested parties in the implementation of this subpart including a log or summary of meetings held between Government officials and representatives of industry and other interested parties.

"(b) The report required by subsection (a) shall contain such recommendations for additional legislation as the Secretary deems necessary to promote cooperation among the several States in the improvement of electronic product radiation control and to strengthen the national electronic product radiation control program.

"FEDERAL-STATE COOPERATION

"SEC. 360E. The Secretary is authorized (1) to accept from State and local authorities engaged in activities related to health or safety or consumer protection, on a reimbursable basis or otherwise, any assistance in the administration and enforcement of this subpart which he may request and which they may be able and willing to provide and, if so agreed, may pay in advance or otherwise for the reasonable cost of such assistance, and (2) he may, for the purpose of conducting examinations, investigations, and inspections, commission any officer or employee of any such authority as an officer of the Department.

"EFFECT ON STATE STANDARDS

"SEC. 360F. Whenever any standard prescribed pursuant to section 358 with respect to an aspect of performance of an electronic product is in effect, no State or political subdivision of a State shall have any authority either to establish, or to continue in effect, any standard which is applicable to the same aspect of performance of such product and which is not identical to the Federal standard. Nothing in this subpart shall be construed to prevent the Federal Government or the government of any State or political subdivision thereof from establishing a requirement with respect to emission of radiation from electronic products procured for its own use if such requirement imposes a more restrictive standard than that required to comply with the otherwise applicable Federal standard."

DEFINITIONS

SEC. 3. As used in the amendments made by section 2 of this Act, except when otherwise specified, the term "Secretary" means the Secretary of Health, Education, and Welfare, and the term "Department" means the Department of Health, Education, and Welfare.

NONINTERFERENCE WITH OTHER FEDERAL AGENCIES

SEC. 4. The amendments made by section 2 of this Act shall not be construed as superseding or limiting the functions, under any other provision of law, of any officer or agency of the United States.

Approved October 18, 1968.

Public Law 90-603

AN ACT

To amend title 37, United States Code, to clarify the conditions under which physicians and dentists who extend their service on active duty in a uniformed service may be paid continuation pay.

October 18, 1968
[S. 4158]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 311 (a) (2) of title 37, United States Code, is amended to read as follows: “(2) has completed his initial active duty obligation; and”.

Armed Forces.
Physicians and
dentists, duty ex-
tension.
81 Stat. 651.
Effective date.

SEC. 2. The amendment made by this Act becomes effective as of January 1, 1968.

Approved October 18, 1968.

Public Law 90-604

AN ACT

To authorize the disposal of magnesium from the national stockpile.

October 18, 1968
[H. R. 5785]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of, by negotiation or otherwise, approximately fifty-five thousand short tons of magnesium now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 90-98h). Such disposition may be made without regard to the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided*, That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

Magnesium.
Disposal.

60 Stat. 596.
50 USC 98 note.

Approved October 18, 1968.

Public Law 90-605

AN ACT

To amend the Act of August 9, 1955, relating to certain common carrier operations in the District of Columbia.

October 18, 1968
[H. R. 18248]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled “An Act to provide for the regulation of fares for the transportation of schoolchildren in the District of Columbia”, approved August 9, 1955 (D.C. Code, sec. 44-214a), is amended to read as follows:

D.C.
Schoolchildren,
fares.

76 Stat. 113.

“SEC. 2. In the case of any common carrier required to furnish transportation to schoolchildren at a reduced fare under this Act, the Wash-

ington Metropolitan Area Transit Commission shall certify to the Commissioner of the District of Columbia, with respect to each calendar month commencing with September 1968, and ending August 1971, all inclusive, an amount which is the difference between the total of all reduced fares paid during such calendar month to such carrier by schoolchildren in accordance with this Act and the amount which would have been paid during that month to such carrier if such fares had been paid at the lowest adult fare established by the Commission for regular route transportation in that month. The certification required by this section shall be made for each such month as soon as practicable following the end thereof. The Commissioner of the District of Columbia, upon receiving any such certification, shall pay the carrier with respect to which that certification was filed an amount equal to the amount contained therein."

Approved October 18, 1968.

Public Law 90-606

October 18, 1968
[H. R. 551]

AN ACT

To authorize the establishment of the Biscayne National Monument in the State of Florida, and for other purposes.

Biscayne
National Monu-
ment, Fla.
Establishment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve and protect for the education, inspiration, recreation, and enjoyment of present and future generations a rare combination of terrestrial, marine, and amphibious life in a tropical setting of great natural beauty, the Secretary of the Interior may establish the Biscayne National Monument within so much of the area in the State of Florida as generally depicted on the drawing entitled "Biscayne National Monument Boundary Map," numbered NM-BIS 7101, and dated May 1966, which drawing is superimposed on a photographic reproduction of a portion of Coast and Geodetic Survey Chart Numbered 1249 (eighth edition, December 20, 1965, correction numbered 22, dated May 28, 1966) as lies north of the north boundary of the channel easement shown thereon. The drawing shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary may revise the boundaries of the national monument from time to time, but the total acreage of the national monument shall not exceed ninety-six thousand three hundred acres and no boundary shall be revised outward or in such a manner as to obstruct any seaport channel which may be hereafter constructed outside the boundaries hereinbefore referred to.

Land acquisi-
tion.

SEC. 2. (a) Within the boundaries of the Biscayne National Monument, the Secretary of the Interior may acquire lands, waters, or interests therein by donation, purchase with donated or appropriated funds, or exchange. The Secretary may in addition acquire by any of the above methods not more than eighty acres of land or interests therein on the mainland for a headquarters site, and not more than forty acres of land or interests therein on Key Largo for a visitor contact site.

(b) When acquiring property by exchange the Secretary may accept title to any non-Federal property within the boundaries of the national monument, and outside of such boundaries within the limits prescribed in subsection (a) of this section, and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction in the State of Florida which he classifies as

suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

SEC. 3. Notwithstanding any other provision of this Act, lands and interests in land owned by the State of Florida or Dade County may be acquired solely by donation, and the Secretary shall not declare the Biscayne National Monument established until the State has transferred or agreed to transfer to the United States its right, title and interest in and to its lands within the boundaries of said national monument. The Secretary shall not acquire any other lands or interests in land pursuant to this Act except by donation or with donated funds until the State has made or obligated itself to make the aforesaid transfer: *Provided*, That nothing contained in this sentence shall preclude the Secretary from acquiring options for the purchase of lands and interests in land, other than lands and interests in land held by the State of Florida or Dade County, which are to be acquired pursuant to this Act and, upon the State's transferring or obligating itself to transfer as aforesaid, he shall proceed as expeditiously as possible to acquire the other lands and interests in land which are necessary to carry out the purposes of this Act.

SEC. 4. The Secretary of the Interior shall preserve and administer the Biscayne National Monument in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4), as amended and supplemented. The waters within the Biscayne National Monument shall continue to be open to fishing in conformity with the laws of the State of Florida except as the Secretary, after consultation with appropriate officials of said State, designates species for which, areas and times within which, and methods by which fishing is prohibited, limited or otherwise regulated in the interest of sound conservation or in order to achieve the purposes for which the national monument is established.

SEC. 5. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not to exceed \$24,575,000 for land acquisition and \$2,900,000 for development.

Approved October 18, 1968.

Administration.

Fishing.

Appropriation.

Public Law 90-607

AN ACT

Relating to the effective date of the 1966 change in the definition of earned income for purposes of pension plans of self-employed individuals.

October 21, 1968
[H. R. 18253]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 204(d) of Public Law 89-809 (80 Stat. 1578) is amended by adding at the end thereof the following new sentence: "The amendment made by subsection (c) shall apply with respect to taxable years beginning after December 31, 1967, and in the case of a taxpayer who applies the averaging provisions of section 401(e)(3) of the Internal Revenue Code of 1954 for a taxable year beginning after December 31, 1967, the computation of the amount deductible under section 404 of such Code for any prior taxable year which began before January 1, 1968, shall be made, for purposes of such averaging provisions, as if the amendment made by subsection (c) were applicable to such prior taxable year."

Approved October 21, 1968.

Taxes.
Self-employed
individuals, pension
plans.
26 USC 401 note.

76 Stat. 815.

68A Stat. 138.

Public Law 90-608

October 21, 1968
[H. R. 20300]

AN ACT

Making supplemental appropriations for the fiscal year ending June 30, 1969, and for other purposes.

Supplemental
Appropriation Act,
1969.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, to supply supplemental appropriations (this Act may be cited as the "Supplemental Appropriation Act, 1969") for the fiscal year ending June 30, 1969, and for other purposes, namely:

CHAPTER I

DEPARTMENT OF AGRICULTURE

EXTENSION SERVICE

COOPERATIVE EXTENSION WORK, PAYMENTS AND EXPENSES

Payments to States and Puerto Rico

For an additional amount for "Payments to States and Puerto Rico", for payments for extension work under section 109 of the District of Columbia Public Education Act, as amended by the Act of June 20, 1968 (Public Law 90-354), \$75,000.

Ante, p. 241.

CONSUMER AND MARKETING SERVICE

FOOD STAMP PROGRAM

For an additional amount for "Food stamp program", \$55,000,000: *Provided*, That additional expenditures resulting from amounts provided in this paragraph shall be fully offset by sale of notes held by the Commodity Credit Corporation or other assets of the Department of Agriculture to prevent further expenditure reductions against existing programs pursuant to the Revenue and Expenditure Control Act of 1968.

Ante, p. 251.

COMMODITY EXCHANGE AUTHORITY

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$300,000.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

INDEMNITY PAYMENTS TO DAIRY FARMERS

For necessary expenses to carry out the provisions of the Act of August 13, 1968 (Public Law 90-484), \$300,000: *Provided*, That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of his willful failure to follow procedures prescribed by the Federal Government.

Ante, p. 750.

FARMERS HOME ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", including necessary expenses, not otherwise provided, for carrying out the responsibilities of the Secretary of Agriculture under sections 235 and 236 of the National Housing Act, as amended by sections 101(a), 201(a), respectively, of the Act of August 1, 1968 (Public Law 90-448), \$250,000.

Ante, pp. 477, 498.

SELF-HELP HOUSING LAND DEVELOPMENT FUND

For direct loans pursuant to section 523(b)(1)(B) of the Housing Act of 1949 (42 U.S.C. 1471-1490) and related advances, \$600,000, to remain available until expended.

Ante, p. 554.

CHAPTER II

DISTRICT OF COLUMBIA

FEDERAL FUNDS

LOANS TO THE DISTRICT OF COLUMBIA FOR CAPITAL OUTLAY

For an additional amount for "Loans to the District of Columbia for capital outlay", \$7,902,000, to remain available until expended and to be advanced upon request of the Commissioner to the general fund.

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

General Operating Expenses

For an additional amount for "General operating expenses", \$1,049,500.

Public Safety

For an additional amount for "Public safety", \$68,000.

Settlement of Claims and Suits

For the payment of claims in excess of \$250, in accordance with the provisions of the Act of February 11, 1929, as amended (45 Stat. 1160; 46 Stat. 500; 65 Stat. 131), \$27,900.

D.C. Code 1-902
to 1-906.

CAPITAL OUTLAY

Capital Outlay

For an additional amount for "Capital outlay", \$10,590,000, to remain available until expended: *Provided*, That \$2,688,000 of this amount shall not be available for expenditure until July 1, 1969: *Provided further*, That \$2,404,000 shall be available for construction services by the Director of Buildings and Grounds or by contract for architectural engineering services, as may be determined by the Commissioner.

DIVISION OF EXPENSES

The sums appropriated herein for the District of Columbia shall be paid out of the general fund of the District of Columbia.

CHAPTER III
FOREIGN ASSISTANCE
FUNDS APPROPRIATED TO THE PRESIDENT

MILITARY ASSISTANCE

Foreign Military Credit Sales

For expenses of financing sales of defense articles and defense services, as authorized by law, \$296,000,000.

CHAPTER IV
INDEPENDENT OFFICES
FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", including carrying out the functions of the Federal Trade Commission under Title I of the Consumer Credit Protection Act of 1968 (Public Law 90-321), \$300,000.

Ante, p. 146.

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

CONSTRUCTION, PUBLIC BUILDINGS PROJECTS

Funds heretofore appropriated under the heading "General Services Administration, Construction, Public buildings projects", shall be available in the amount of \$6,000,000, for the construction of the substructure, Courthouse and Federal Office Building, Philadelphia, Pennsylvania: *Provided*, That the foregoing amount shall be the maximum construction improvement cost which may be exceeded to the extent that savings are effected in other projects, but by not to exceed 10 per centum.

OPERATING EXPENSES, NATIONAL ARCHIVES AND RECORDS SERVICE

For an additional amount for "Operating expenses, National Archives and Records Service", \$748,000.

ALLOWANCES AND OFFICE FACILITIES FOR FORMER PRESIDENTS

For an additional amount for "Allowances and Office Facilities for Former Presidents", \$40,000, and funds appropriated under this head shall be available hereafter for travel and related expenses of former Presidents and not to exceed two members of their staffs.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$200,000.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

FEDERAL INSURANCE PROGRAMS

FLOOD INSURANCE

For necessary administrative expenses, not otherwise provided for, in carrying out the National Flood Insurance Act of 1968 (82 Stat. 572), \$1,500,000.

MORTGAGE CREDIT

HOMEOWNERSHIP AND RENTAL HOUSING ASSISTANCE

For homeownership assistance payments, authorized by section 235, and for interest reduction payments as authorized by section 236 of the National Housing Act, as amended (82 Stat. 477 and 498), \$7,000,000: *Provided*, That the total payments that may be required in any fiscal year by all contracts entered into under section 235 shall not exceed \$25,000,000 and by those entered into under section 236 shall not exceed \$25,000,000.

LOW AND MODERATE INCOME SPONSOR FUND

For the low and moderate income sponsor fund, authorized by section 106 of the Housing and Urban Development Act of 1968 (82 Stat. 490), \$500,000.

FEDERAL HOUSING ADMINISTRATION

SALARIES AND EXPENSES

For necessary administrative expenses of programs of mortgage credit, not otherwise provided for, \$625,000.

Limitation on Administrative and Nonadministrative Expenses, Federal Housing Administration

In addition to amounts made available under this head for the current fiscal year, not to exceed \$350,000 shall be available for administrative expenses and not to exceed \$3,500,000 shall be available for nonadministrative expenses.

DEPARTMENTAL MANAGEMENT

FAIR HOUSING PROGRAM

For expenses necessary to carry out the functions of the Secretary of Housing and Urban Development under the provisions of Title VIII of the Civil Rights Act of 1968 (82 Stat. 81), \$2,000,000.

RENEWAL AND HOUSING ASSISTANCE

COLLEGE HOUSING

The total payments that may be required in any fiscal year by all contracts for annual grants with educational institutions entered into pursuant to section 401 of the Housing Act of 1950, as amended (82 Stat. 604), shall not exceed \$3,000,000.

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$500,000.

GENERAL PROVISIONS

Office of Emergency Planning.
Name change.
50 USC app.
2271 note.

SEC. 402. Reorganization Plan Numbered 1 of 1958, as amended, is further amended by striking out "Office of Emergency Planning" wherever appearing therein and inserting in lieu thereof "Office of Emergency Preparedness." Any reference in any other law to the Office of Emergency Planning shall, after the date of this Act, be deemed to refer to the Office of Emergency Preparedness.

Savings and loan holding companies.
Acquisitions.
Ante, p. 10.

SEC. 403. Section 408(e) (1) (A) (iv) of the National Housing Act, as amended, is amended by striking the phrase "the control of any such institution" and inserting in lieu thereof the following: "except that the Corporation may upon application by such company extend such one-year period from year to year, for an additional period not exceeding three years, if the Corporation finds such extension is warranted and shall not be detrimental to the public interest".

CHAPTER V

DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

EDUCATION AND WELFARE SERVICES

For an additional amount for "Education and welfare services", \$1,452,000.

BUREAU OF OUTDOOR RECREATION

LAND AND WATER CONSERVATION

78 Stat. 900.

For a repayable advance to the Land and Water Conservation Fund, as authorized by Section 4(b) of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-7, \$53,000,000, to remain available until expended.

Ante, p. 931.

For an additional amount for "Land and water conservation" to carry out the property acquisition provisions of the Act of October 2, 1968, Public Law 90-545 and the provisions of the Act of June 4, 1968 (82 Stat. 168), to be derived from the Land and Water Conservation Fund and to remain available until expended, \$55,500,000, of which not to exceed \$46,000,000 shall be for liquidation of obligations incurred pursuant to Section 3(b) (1) of said Act of October 2, 1968.

NATIONAL PARK SERVICE

MANAGEMENT AND PROTECTION

For an additional amount for "Management and protection", \$325,000.

MAINTENANCE AND REHABILITATION OF PHYSICAL FACILITIES

For an additional amount for "Maintenance and rehabilitation of physical facilities", \$125,000.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PUBLIC HEALTH SERVICE

HEALTH SERVICES

INDIAN HEALTH ACTIVITIES

For an additional amount for "Indian health activities", \$850,000.

CONSTRUCTION OF INDIAN HEALTH FACILITIES

For an additional amount for "Construction of Indian health facilities", \$4,056,000, to remain available until expended.

CHAPTER VI

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF EDUCATION

ELEMENTARY AND SECONDARY EDUCATIONAL ACTIVITIES

There shall be available in an amount not to exceed \$1,000,000 for necessary expenses for planning and implementation of the Handicapped Children's Early Education Assistance Act, Public Law 90-538, to be derived from funds available for the purposes of Title III, Elementary and Secondary Education Act, as amended.

Ante, p. 901.

81 Stat. 788.
20 USC 841-848.

SOCIAL AND REHABILITATION SERVICE

JUVENILE DELINQUENCY PREVENTION AND CONTROL

For carrying out the purposes of the Juvenile Delinquency Prevention and Control Act of 1968, \$5,000,000: *Provided*, That none of the funds contained herein shall be used to make grants, under Title I of said Act, in excess of the following: (1) \$12,500 each to the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, (2) \$50,000 to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

Ante, p. 462.

CHAPTER VII

LEGISLATIVE BRANCH

SENATE

SALARIES, OFFICERS AND EMPLOYEES

OFFICE OF THE SECRETARY

For an additional amount for office of the Secretary, \$16,570: *Provided*, That the Secretary may employ a Curator of Art and Antiquities at not to exceed \$22,089 per annum.

CONTINGENT EXPENSES OF THE SENATE

MISCELLANEOUS ITEMS

For an additional amount for Miscellaneous Items, \$11,250, for expenses of the Commission on Art and Antiquities of the Senate.

HOUSE OF REPRESENTATIVES

For payment to Elizabeth Lee Pool, widow of Joe R. Pool, late a Representative from the State of Texas, \$30,000.

For payment to Emily J. Holland, widow of Elmer J. Holland, late a Representative from the State of Pennsylvania, \$30,000.

CONTINGENT EXPENSES OF THE HOUSE

Reporting Hearings

For an additional amount for "Reporting hearings", \$145,000.

JOINT ITEMS

Joint Committee on Defense Production

For an additional amount for "Joint Committee on Defense Production", \$8,630.

CAPITOL POLICE

GENERAL EXPENSES

For an additional amount for "General expenses", \$34,000.

Education of Pages

For an additional amount for "Education of pages", \$18,581.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$200,000.

CHAPTER VIII

PUBLIC WORKS

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

UPPER COLORADO RIVER STORAGE PROJECT

For an additional amount for the "Upper Colorado River Storage Project" for the Upper Colorado River Basin Fund, \$2,200,000, to remain available until expended, together with \$500,000 to be derived by transfer to the Fund from funds available under section 8 of the Act of April 11, 1956.

INDEPENDENT OFFICES

NATIONAL WATER COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the Act of September 26, 1968 (Public Law 90-515), including compensation of the Executive Director at level IV of the Executive Schedule, \$150,000.

Ante, p. 868.
5 USC 5315.

CHAPTER IX

STATE, JUSTICE, COMMERCE, AND THE JUDICIARY

DEPARTMENT OF COMMERCE

FOREIGN DIRECT INVESTMENT CONTROL

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$500,000.

CHAPTER X

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$250,000.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For an additional amount for "Operations", \$4,000,000.

FEDERAL RAILROAD ADMINISTRATION

ALASKA RAILROAD REVOLVING FUND

Payment to the Alaska Railroad Revolving Fund

For payment to the Alaska Railroad revolving fund for payment of approved contractor claims relating to authorized work of the Alaska Railroad, involving the reconstruction of the Seward Dock facilities destroyed as a result of the Alaska earthquake, \$580,000, which may be made available to the Corps of Engineers for payment of such claims.

URBAN MASS TRANSPORTATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Urban Mass Transportation Administration, including uniforms and allowances therefor, as authorized by law (5 U.S.C. 5901-5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109; \$150,000, to be derived by transfer from the appropriation for "Urban mass transportation grants".

80 Stat. 508;
81 Stat. 206.
80 Stat. 416.

CHAPTER XI

TREASURY DEPARTMENT

BUREAU OF ACCOUNTS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$1,878,000.

INTERNAL REVENUE SERVICE

COMPLIANCE

For an additional amount for "Compliance", \$1,000,000.

EISENHOWER COLLEGE GRANTS

For matching grants for the construction of educational facilities at Eisenhower College, as authorized by law, \$5,000,000, to remain available until expended.

UNITED STATES SECRET SERVICE

79 Stat. 791.

Section 3056 of title 18, United States Code is amended by striking out the second clause and inserting in lieu thereof the following: "protect the person of a former President and his wife during his lifetime, the person of the widow of a former President until her death or remarriage, and minor children of a former President until they reach sixteen years of age, unless such protection is declined".

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", \$150,000.

CHAPTER XII

CLAIMS AND JUDGMENTS

For payment of claims settled and determined by departments and agencies in accord with law and judgments rendered against the United States by the United States Court of Claims and United States district courts, as set forth in House Document Numbered 393, Ninetieth Congress, \$35,238,696, together with such amounts as may be necessary to pay interest (as and when specified in such judgments or provided by law) and such additional sums due to increases in rates of exchange as may be necessary to pay claims in foreign currency: *Provided*, That no judgment herein appropriated for shall be paid until it shall become final and conclusive against the United States by failure of the parties to appeal or otherwise: *Provided further*, That unless otherwise specifically required by law or by the judgment, payment of interest wherever appropriated for herein shall not continue for more than thirty days after the date of approval of the Act.

CHAPTER XIII

GENERAL PROVISIONS

SEC. 1301. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein. Fiscal year limitation.

REVENUE AND EXPENDITURE CONTROL ACT OF 1968

SEC. 1302. (a) Expenditures and net lending during the fiscal year ending June 30, 1969, by the Commodity Credit Corporation (not more than \$907,000,000) for farm price supports (not including amounts for special activities) in excess of the amounts estimated therefor on page 239 of the Budget for 1969 (H. Doc. 225, Part 1), and new obligational and loan authority heretofore or hereafter enacted for such fiscal year for such purposes in excess of the amounts estimated therefor on page 239 of the Budget for 1969, shall not be counted against the aggregate limitations on expenditures and net lending and new obligational authority and loan authority prescribed by Sections 202(a) and 203(a) of Title II of the Revenue and Expenditure Control Act of 1968.

Ante, p. 271.

(b) Expenditures and net lending during the fiscal year ending June 30, 1969, by the Department of Health, Education, and Welfare (not more than \$560,000,000) for grants to States for public assistance as authorized by the Social Security Act, as amended, in excess of the amounts estimated therefor on page 15 of the Budget for 1969 (H. Doc. 225, Part 1), and new obligational and loan authority heretofore or hereafter enacted for such fiscal year for such purposes in excess of the amounts estimated therefor on pages 306 and 307 of the Budget for 1969, shall not be counted against the aggregate limitations on expenditures and net lending and new obligational authority and loan authority prescribed by Sections 202(a) and 203(a) of Title II of the Revenue and Expenditure Control Act of 1968.

49 Stat. 620.
42 USC 1305.

INDEPENDENT OFFICE

NATIONAL COUNCIL ON INDIAN OPPORTUNITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Indian Opportunity, including services as authorized by 5 U.S.C. 3109, \$100,000, which shall be in addition to the amount authorized by Public Law 90-550.

80 Stat. 416.

Ante, p. 937.

Approved October 21, 1968.

Public Law 90-609

AN ACT

To amend sections 281 and 344 of the Immigration and Nationality Act to eliminate the statutory prescription of fees, and for other purposes.

October 21, 1968
[H. R. 2792]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 281 of the Immigration and Nationality Act (66 Stat. 230; 8 U.S.C. 1351) as amended, is amended to read as follows:

Immigration and
Nationality Act,
amendment.
79 Stat. 919.

"NONIMMIGRANT VISA FEES

"SEC. 281. The fees for the furnishing and verification of applications for visas by nonimmigrants of each foreign country and for the issuance of visas to nonimmigrants of each foreign country shall be prescribed by the Secretary of State, if practicable, in amounts corresponding to the total of all visa, entry, residence, or other similar fees, taxes, or charges assessed or levied against nationals of the United States by the foreign countries of which such nonimmigrants are nationals or stateless residents: *Provided*, That nonimmigrant visas issued to aliens coming to the United States in transit to and from the headquarters district of the United Nations in accordance with the provisions of the Headquarters Agreement shall be gratis."

SEC. 2. The reference to section 281 in the table of contents of the Immigration and Nationality Act is amended to read as follows:

"Sec. 281. Nonimmigrant visa fees."

SEC. 3. Section 344 (a), (b), and (g) of such Act (66 Stat. 264; 8 U.S.C. 1455) are respectively amended to read as follows:

"SEC. 344. (a) The clerk of court shall charge, collect, and account for fees prescribed by the Attorney General pursuant to title V of the Independent Offices Appropriation Act, 1952 (65 Stat. 290) for the following:

"(1) Making, filing, and docketing a petition for naturalization, including the final hearing on such petition, if such hearing be held, and a certificate of naturalization, if the issuance of such certificate is authorized by the naturalization court.

"(2) Receiving and filing a declaration of intention, and issuing a duplicate thereof.

"(b) Notwithstanding the provisions of this Act or any other law, no fee shall be charged or collected for an application for declaration of intention or a certificate of naturalization in lieu of a declaration or a certificate alleged to have been lost, mutilated, or destroyed, submitted by a person who was a member of the military or naval forces of the United States at any time after April 20, 1898, and before July 5, 1902; or at any time after April 5, 1917, and before November 12, 1918; or who served on the Mexican border as a member of the Regular Army or National Guard between June 1916 and April 1917; or who has served or hereafter serves in the military, air, or naval forces of the United States after September 16, 1940, and who was not at any time during such period or thereafter separated from such forces under other than honorable conditions, who was not a conscientious objector who performed no military duty whatever or refused to wear the uniform, or who was not at any time during such period or thereafter discharged from such military, air, or naval forces on account of alienage.

"(g) All fees collected by the Attorney General, and all fees paid over to the Attorney General by clerks of courts under the provisions of this title, shall be deposited by the Attorney General in the Treasury of the United States: *Provided, however*, That all fees received by the Attorney General or by the clerks of the courts from applicants residing in the Virgin Islands of the United States, and in Guam, under this title, shall be paid over to the treasury of the Virgin Islands and to the treasury of Guam, respectively."

Approved October 21, 1968.

Public Law 90-610

AN ACT

October 21, 1968
[H. R. 10725]

To amend the Act of August 4, 1950 (64 Stat. 411), entitled "An Act relating to the policing of the buildings and grounds of the Library of Congress" to provide salary increases for members of the police force of the Library of Congress, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act of August 4, 1950 (64 Stat. 411; 2 U.S.C. 167) is amended to read as follows:

Library of Congress.
Police force,
salary increase.

"(a) The Librarian of Congress may designate employees of the Library of Congress as special policemen for duty in connection with the policing of the Library of Congress buildings and grounds and adjacent streets and shall fix their rates of basic pay as follows:

"(1) Private—not to exceed the rate for GS-5, Step 5;

5 USC 5332 note.

"(2) Sergeant—not to exceed the rate for GS-6, Step 5;

"(3) Lieutenant—not to exceed the rate for GS-7, Step 5;

"(4) Senior Lieutenant—not to exceed the rate for GS-9, Step 5; and

"(5) Captain—not to exceed the rate for GS-10, Step 5.

"(b) The Librarian of Congress may apply the provisions of subchapter V of chapter 55 of title 5, United States Code, to members of special police force of the Library of Congress."

Premium pay.
5 USC 5541-5549.

SEC. 2. Section 5102(c) of title 5, United States Code, is amended by—

80 Stat. 444; 81
Stat. 197.

- (1) striking out "or" at the end of paragraph (25);
- (2) striking out the period at the end of paragraph (26) and inserting "; or" in place thereof; and

- (3) inserting the following new paragraph after paragraph (26):

"(27) members of the special police force of the Library of Congress whose pay is fixed under section 167 of title 2."

SEC. 3. The amendments made by this Act shall take effect on the first day of the first pay period which begins on or after the date of enactment of this Act. Notwithstanding any provisions of this Act, no rate of basic pay shall be reduced by reason of the enactment of this Act.

Effective date.

Approved October 21, 1968.

Public Law 90-611

JOINT RESOLUTION

October 21, 1968
[H. J. Res. 691]

Extending greetings and felicitations to Saint Louis University in the city of Saint Louis, Missouri, in connection with the one hundred and fiftieth anniversary of its founding.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Government of the United States extends its greetings and felicitations to Saint Louis University, its president and board of trustees, its faculty and students, and urges the citizens of the United States to cooperate with the university anniversary observances to promote the deepening of human understanding and the enlargement of human knowledge for the common good of all men.

St. Louis University.
150th anniversary.

Approved October 21, 1968.

Public Law 90-612

October 21, 1968
[H. R. 3593]

AN ACT

To amend title 38 of the United States Code to provide nursing home care and contract hospitalization for certain veterans living in Alaska and Hawaii, and for other purposes.

Veterans.
Nursing home
care in Alaska
and Hawaii.
78 Stat. 500.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 620 of title 38, United States Code, is amended by adding at the end thereof the following new sentence: "Any veteran who is furnished care by the Administrator in a hospital in Alaska or Hawaii may be furnished nursing home care under the provisions of this section even if such hospital is not under the direct and exclusive jurisdiction of the Administrator."

72 Stat. 1141.

SEC. 2. Clause (iii) of section 601(4)(C) of title 38, United States Code, is amended to read as follows: "(iii) for veterans of any war in a State, Territory, Commonwealth, or possession of the United States not contiguous to the forty-eight contiguous States, except that the annually determined average hospital patient load per thousand veteran population hospitalized at Veterans' Administration expense in Government and private facilities in each such noncontiguous State may not exceed the average patient load per thousand veteran population hospitalized by the Veterans' Administration within the forty-eight contiguous States; but authority under this clause (iii) shall expire on December 31, 1978."

Termination of
authority.

SEC. 3. Section 620 of title 38, United States Code, is amended by adding at the end thereof the following new subsection:

79 Stat. 1034.
41 USC 351.

"(c) In applying the provisions of section 2(b)(1) of the Service Contract Act of 1965 with respect to any contract entered into under this section to provide nursing home care of veterans, the payment of wages not less than those specified in section 6(b) of the Fair Labor Standards Act of 1938, as amended, shall be deemed to constitute compliance with such provisions."

80 Stat. 838.
29 USC 206.

Federal employ-
ees, limitation.
Exception.
Ante, p. 270.

SEC. 4. (a) The provisions of section 201 of the Revenue and Expenditure Control Act of 1968 shall not apply to employees of the Veterans' Administration in any month in which the number of such employees does not exceed the number of employees employed by such Administration on June 30, 1966.

(b) In any month in which section 201 of the Revenue and Expenditure Control Act of 1968 does not apply to the Veterans' Administration by reason of the provisions of subsection (a) of this section, the employees of the Veterans' Administration shall not be taken into account in applying the provisions of such section 201 to other departments and agencies of the executive branch.

Approved October 21, 1968.

Public Law 90-613

October 21, 1968
[H. R. 8364]

AN ACT

To amend the joint resolution of March 24, 1937, to provide for the termination of the interest of the United States in certain real property in Allen Park, Michigan.

Allen Park,
Mich.
Land con-
veyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution of March 24, 1937 (50 Stat. 54), is amended by adding at the end the following new section:

"SEC. 2. (a) Subject to the provisions of subsection (b) of this

section, the Administrator of Veterans' Affairs, upon determining that approximately one acre out of said triangular tract is no longer to be used for the purpose and on the condition for which the same was donated to the United States, is authorized to execute a quitclaim deed to the heirs of the grantors conveying such one acre, the heirs of the grantors having expressed a desire to give said one acre to the city of Allen Park for a fire station site. Such quitclaim deed shall also contain covenants by said heirs that the one-acre parcel shall be conveyed by them to the city of Allen Park for use as a site for a fire station and shall be used in a manner that will not, in the judgment of the Administrator of Veterans' Affairs, or his designate, interfere with the care and treatment of patients in the nearby Veterans' Administration Hospital, Dearborn, Michigan; a condition that if it ever ceases to be so used, the title to said property shall immediately revert to the United States for the use of the Veterans' Administration; a provision that such covenants and conditions shall run with the land and be binding on the grantees, their heirs, successors, grantees and assigns; and such instrument shall further contain such additional terms and conditions as the Administrator shall deem appropriate to protect the interests of the United States.

“(b) The exact legal description of said one acre (located at the corner of Outer Drive and Snow Road) shall be determined by the Administrator. The Administrator shall not execute and deliver the quitclaim deed authorized in subsection (a) of this section until said heirs shall have, at their own expense, caused the property to be surveyed and made arrangements, satisfactory to the Administrator, for the erection of a boundary line fence, nor until said heirs shall have executed and delivered to the United States a recordable instrument, in form satisfactory to the Attorney General, releasing to the United States all of their interests in such one-acre parcel and also releasing any right of reentry into the balance of said triangular tract which might accrue by reason of the termination of the use by the United States of said one acre thereof. The execution and delivery of said instrument shall be subject to such additional terms and conditions as the Administrator shall deem appropriate to protect the interests of the United States.”

Approved October 21, 1968.

Public Law 90-614

AN ACT

To prescribe administrative procedures for the District of Columbia government.

October 21, 1968
[H. R. 7417]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

District of
Columbia Admin-
istrative Procedure
Act.

SHORT TITLE

SECTION 1. This Act may be cited as the “District of Columbia Administrative Procedure Act”.

OTHER AUTHORITY

SEC. 2. This Act shall supplement all other provisions of law establishing procedures to be observed by the Commissioner, the Council, and agencies of the District government in the application of laws administered by them, except that this Act shall supersede any such law and procedure to the extent of any conflict therewith.

DEFINITION

SEC. 3. As used in this Act—

(1) (a) the term "Commissioner" means the Commissioner of the District of Columbia, or his designated agent;

(b) the term "Council" means the District of Columbia Council;

(2) the term "District" means the District of Columbia;

(3) the term "agency" includes both subordinate agency and independent agency;

(4) the term "subordinate agency" means any officer, employee, office, department, division, board, commission, or other agency of the government of the District, other than an independent agency or the Commissioner or the Council, required by law or by the Commissioner or the Council to administer any law or any rule adopted under the authority of a law;

(5) the term "independent agency" means any agency of the government of the District with respect to which the Commissioner and the Council are not authorized by law, other than this Act, to establish administrative procedures, but does not include the several courts of the District and the District of Columbia Tax Court;

(6) the term "rule" means the whole or any part of any Commissioner's, Council's, or agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or to describe the organization, procedure, or practice requirements of the Commissioner, Council, or of any agency;

(7) the term "rulemaking" means Commissioner's, Council's, or agency process for the formulation, amendment, or repeal of a rule;

(8) the term "contested case" means a proceeding before the Commissioner, the Council, or any agency in which the legal rights, duties, or privileges of specific parties are required by any law (other than this Act), or by constitutional right, to be determined after a hearing before the Commissioner or the Council or before an agency, but shall not include (A) any matter subject to a subsequent trial of the law and the facts de novo in any court; (B) the selection or tenure of an officer or employee of the District; (C) proceedings in which decisions rest solely on inspections, tests, or elections; and (D) cases in which the Commissioner, Council, or an agency act as an agent for a court of the District;

(9) the term "person" includes individuals, partnerships, cor-

porations, associations, and public or private organizations of any character other than the Commissioner, the Council, or an agency;

(10) the term "party" includes the Commissioner, the Council, and any person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, in any proceeding before the Commissioner, the Council, or an agency, but nothing herein shall be construed to prevent the Commissioner, the Council, or an agency from admitting the Commissioner, the Council, or any person or agency as a party for limited purposes;

(11) the term "order" means the whole or any part of the final disposition (whether affirmative, negative, injunctive, or declaratory in form) of the Commissioner or Council or of any agency in any matter other than rulemaking, but including licensing;

(12) the term "license" includes the whole or part of any permit, certificate, approval, registration, charter, membership, statutory exemption, or other form of permission granted by the Commissioner, the Council, or any agency;

(13) the term "licensing" includes process respecting the grant, renewal, denial, revocation, suspension, annulment, withdrawal, limitation, amendment, modification, or conditioning of a license by the Commissioner or the Council or an agency;

(14) the term "relief" includes the whole or part of any Commissioner's or Council's or agency (A) grant of money, assistance, license, authority, exemption, exception, privilege, or remedy; (B) recognition of any claim, right, immunity, privilege, exemption, or exception; and (C) taking of any other action upon the application or petition of, and beneficial to, any person;

(15) the term "proceeding" means any process of the Commissioner or Council or an agency as defined in paragraphs (6), (11), and (12) of this section; and

(16) the term "sanction" includes the whole or part of any Commissioner's or Council's or agency (A) prohibition, requirement, limitation, or other condition affecting the freedom of any person; (B) withholding of relief; (C) imposition of any form of penalty or fine; (D) destruction, taking, seizure, or withholding of property; (E) assessment of damages, reimbursement, restitution, compensation, costs, charges, or fees; (F) requirement, revocation, or suspension of a license; and (G) taking of other compulsory or restrictive action.

ESTABLISHMENT OF GENERAL PROCEDURES

SEC. 4. (a) The Commissioner and the Council shall, for themselves and for each subordinate agency, establish or require each subordinate agency to establish procedures in accordance with this Act.

(b) Each independent agency shall establish procedures in accordance with this Act.

(c) The procedures required to be established by subsections (a) and (b) of this section shall include requirements of practice before the Commissioner and the Council and each agency.

OFFICIAL PUBLICATION

"District of
Columbia Register."

SEC. 5. (a) The Commissioner shall publish at regular intervals not less frequently than once every two weeks a bulletin to be known as the "District of Columbia Register," in which shall be set forth the full text of all rules filed in the office of the Commissioner during the period covered by each issue of such bulletin, except that the Commissioner may in his discretion omit from the District of Columbia Register rules the publication of which would be unduly cumbersome, expensive, or otherwise inexpedient, if, in lieu of such publication, there is included in the Register a notice stating the general subject matter of any rule so omitted and stating the manner in which a copy of such rule may be obtained.

(b) All courts within the District shall take judicial notice of rules published or of which notice is given in the District of Columbia Register pursuant to this section.

(c) Publication in the District of Columbia Register of rules adopted, amended, or repealed by the Commissioner or Council or by any agency shall not be considered as a substitute for publication in one or more newspapers of general circulation when such publication is required by statute.

(d) The Commissioner is authorized to publish in the District of Columbia Register, in addition to rules published under authority contained in subsection (a) of this section, (1) cumulative indexes to regulations which have been adopted, amended, or repealed; (2) information on changes in the organization of the District government; (3) notices of public hearings; (4) codifications of rules; and (5) such other matters as the Commissioner may from time to time determine to be of general public interest.

PUBLIC NOTICE AND PARTICIPATION IN RULEMAKING

SEC. 6. (a) The Commissioner and Council and each independent agency shall, prior to the adoption of any rule or the amendment or repeal thereof, publish in the District of Columbia Register (unless all persons subject thereto are named and either personally served or otherwise have actual notice thereof in accordance with law) notice of the intended action so as to afford interested persons opportunity to submit data and views either orally or in writing, as may be specified in such notice. The publication or service required by this subsection of any notice shall be made not less than thirty days prior to the effective date of the proposed adoption, amendment, or repeal, as the case may be, except as otherwise provided by the Commissioner or Council or the agency upon good cause found and published with the notice.

Petitions.

(b) Any interested person may petition the Commissioner or Council or an independent agency, requesting the promulgation, amendment, or repeal of any rule. The Commissioner and Council and each independent agency shall prescribe by rule the form for such petitions, and the procedure for their submission, consideration, and disposition. Nothing in this Act shall make it mandatory that the Commissioner or Council or any agency promulgate, amend, or repeal any rule pursuant to a petition therefor submitted in accordance with this section.

(c) Notwithstanding any other provision of this section, if, in an emergency, as determined by the Commissioner or Council or an independent agency, the adoption of a rule is necessary for the immediate preservation of the public peace, health, safety, welfare, or morals, the Commissioner or Council or such independent agency may adopt

such rules as may be necessary in the circumstances, and such rule may become effective immediately. Any such emergency rule shall forthwith be published and filed in the manner prescribed in section 7 of this Act. No such rule shall remain in effect longer than one hundred and twenty days after the date of its adoption.

FILING AND PUBLISHING OF RULES

SEC. 7. (a) Each agency, within thirty days after the effective date of this Act, shall file with the Commissioner a certified copy of all of its rules in force on such effective date.

(b) The Commissioner shall keep a permanent register open to public inspection of all rules.

(c) Except in the case of emergency rules, each rule adopted after the effective date of this Act by the Commissioner or Council or by any agency, shall be filed in the office of the Commissioner. No such rule shall become effective until after its publication in the District of Columbia Register, nor shall such rule become effective if it is required by law, other than this Act, to be otherwise published, until such rule is also published as required in such law.

Publication in
D.C. Register.

COMPILATION OF RULES

SEC. 8. (a) As soon as practicable after the effective date of this Act, the Commissioner shall have compiled, indexed, and published in the District of Columbia Register all rules adopted by the Commissioner and Council and each agency and in effect at the time of such compilation. Such compilations shall be promptly supplemented or revised as may be necessary to reflect new rules and changes in rules.

(b) Compilations shall be made available to the public at a price fixed by the Commissioner.

(c) The Commissioner must publish the first compilation required by subsection (a) of this section within one year after the effective date of this Act and no rule adopted by the Commissioner or by the Council or by any agency before the date of such first publication which has not been filed and published in accordance with this Act and which is not set forth in such compilation shall be in effect after one year after the effective date of this Act.

Publication in
D.C. Register.

DECLARATORY ORDERS

SEC. 9. On petition of any interested person, the Commissioner or Council or an agency, within their discretion, may issue a declaratory order with respect to the applicability of any rule or statute enforceable by them or by it, to terminate a controversy (other than a contested case) or to remove uncertainty. A declaratory order, as provided in this section, shall be binding between the Commissioner or Council or the agency, as the case may be, and the petitioner on the state of facts alleged and established, unless such order is altered or set aside by a court. A declaratory order is subject to review in the manner provided in this Act for the review of orders and decisions in contested cases, except that the refusal of the Commissioner or Council or of an agency to issue a declaratory order shall not be subject to review. The Commissioner and the Council and each agency shall prescribe by rule the form for such petitions and the procedure for their submission, consideration, and disposition.

CONTESTED CASES

Notification of
hearing.

SEC. 10. (a) In any contested case, all parties thereto shall be given reasonable notice of the afforded hearing by the Commissioner or Council or the agency, as the case may be. The notice shall state the time, place, and issues involved, but if, by reason of the nature of the proceeding, the Commissioner or Council or the agency determine that the issues cannot be fully stated in advance of the hearing, or if subsequent amendment of the issues is necessary, they shall be fully stated as soon as practicable, and opportunity shall be afforded all parties to present evidence and argument with respect thereto. Unless otherwise required by law, other than this Act, any contested case may be disposed of by stipulation, agreed settlement, consent order, or default.

(b) In contested cases, except as may otherwise be provided by law, other than this Act, the proponent of a rule or order shall have the burden of proof. Any oral and any documentary evidence may be received, but the Commissioner and Council and every agency shall exclude irrelevant, immaterial, and unduly repetitious evidence. Every party shall have the right to present in person or by counsel his case or defense by oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Where any decision of the Commissioner or Council or any agency in a contested case rests on official notice of a material fact not appearing in the evidence in the record, any party to such case shall on timely request be afforded an opportunity to show the contrary.

Recordkeeping.

(c) The Commissioner or Council or the agency shall maintain an official record in each contested case, to include testimony and exhibits, but it shall not be necessary to make any transcription unless a copy of such record is timely requested by any party to such case, or transcription is required by law, other than this Act. The testimony and exhibits, together with all papers and requests filed in the proceeding, and all material facts not appearing in the evidence but with respect to which official notice is taken, shall constitute the exclusive record for order or decision. No sanction shall be imposed or rule or order or decision be issued except upon consideration of such exclusive record, or such lesser portions thereof as may be agreed upon by all the parties to such case. The cost incidental to the preparation of a copy or copies of a record or portion thereof shall be borne equally by all parties requesting the copy or copies.

Proposed
decision.

(d) Whenever in a contested case a majority of those who are to render the final order or decision did not personally hear the evidence, no order or decision adverse to a party to the case (other than the Commissioner or an agency) shall be made until a proposed order or decision, including findings of fact and conclusions of law, has been served upon the parties and an opportunity has been afforded to each party adversely affected to file exceptions and present argument to a majority of those who are to render the order or decision, who, in such case, shall personally consider such portions of the exclusive record, as provided in subsection (c) of this section, as may be designated by any party.

Written deci-
sions.

(e) Every decision and order adverse to a party to the case, rendered by the Commissioner or Council or an agency in a contested case, shall be in writing and shall be accompanied by findings of fact and conclusions of law. The findings of fact shall consist of a concise statement of the conclusions upon each contested issue of fact. Findings of fact and conclusions of law shall be supported by and in accordance with the reliable, probative, and substantial evidence. A

copy of the decision and order and accompanying findings and conclusions shall be given by the Commissioner or Council or the agency, as the case may be, to each party or to his attorney of record.

JUDICIAL REVIEW

SEC. 11. Any person suffering a legal wrong, or adversely affected or aggrieved, by an order or decision of the Commissioner or Council or an agency in a contested case, is entitled to a judicial review thereof in accordance with this Act upon filing in the District of Columbia Court of Appeals a written petition for review, except that orders and decisions of the Board of Zoning Adjustment, Commission of Mental Health, Public Service Commission, Redevelopment Land Agency, and the Zoning Commission shall be subject to judicial review in those courts which review the orders and decisions of those agencies on the day before the date of enactment of this Act and such judicial review shall be in accordance with the law in effect on the date immediately preceding the effective date of this Act establishing requirements and standards for review of orders and decisions of those agencies or, if no such requirements or standards are in effect on such date, then such review shall be in accordance with this Act. If the jurisdiction of the Commissioner or Council or an agency is challenged at any time in any proceeding and the Commissioner or Council or the agency, as the case may be, takes jurisdiction, the person challenging jurisdiction shall be entitled to an immediate judicial review of that action, unless the court shall otherwise hold. The reviewing court may by rule prescribe the forms and contents of the petition and, subject to this Act, regulate generally all matters relating to proceedings on such appeals. A petition for review shall be filed in such court within such time as such court may by rule prescribe and a copy of such petition shall forthwith be served by mail by the clerk of the court upon the Commissioner or Council or upon the agency, as the case may be. Within such time as may be fixed by rule of the court the Commissioner or Council or such agency shall certify and file in the court the exclusive record for decision and any supplementary proceedings, and the clerk of the court shall immediately notify the petitioner of the filing thereof. Upon the filing of a petition for review, the court shall have jurisdiction of the proceeding, and shall have power to affirm, modify, or set aside the order or decision complained of, in whole or in part, and, if need be, to remand the case for further proceedings, as justice may require. Filing of a petition for review shall not in itself stay enforcement of the order or decision of the Commissioner or Council or the agency, as the case may be. The Commissioner or Council or the agency may grant, or the reviewing court may order, a stay upon appropriate terms. The court shall hear and determine all appeals upon the exclusive record for decision before the Commissioner or Council or the agency. The review of all administrative orders and decisions by the court shall be limited to such issues of law or fact as are subject to review on appeal under applicable statutory law, other than this Act. In all other cases the review by the court of administrative orders and decisions shall be in accordance with the rules of law which define the scope and limitations of review of administrative proceedings. Such rules shall include, but not be limited to, the power of the court—

Scope and
limitations.

(1) so far as necessary to decision and where presented, to decide all relevant questions of law, to interpret constitutional and statutory provisions, and to determine the meaning or applicability of the terms of any action;

(2) to compel agency action unlawfully withheld or unreasonably delayed; and

(3) to hold unlawful and set aside any action or findings and conclusions found to be (A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; (B) contrary to constitutional right, power, privilege, or immunity; (C) in excess of statutory jurisdiction, authority, or limitations or short of statutory jurisdiction, authority, or limitations or short of statutory rights; (D) without observance of procedure required by law, including any applicable procedure provided by this Act; or (E) unsupported by substantial evidence in the record of the proceedings before the court.

In reviewing administrative orders and decisions, the court shall review such portions of the exclusive record as may be designated by any party. The court may invoke the rule of prejudicial error. Any party aggrieved by any judgment of the District of Columbia Court of Appeals under this Act may seek a review thereof by the United States Court of Appeals for the District of Columbia Circuit in accordance with sections 11-321, 17-101, 17-102, 17-103, and 17-104 of the District of Columbia Code.

SEC. 12. This Act shall become effective one year after the date of its enactment.

Approved October 21, 1968.

77 Stat. 479,
612.
Effective date.

Public Law 90-615

October 21, 1968
[H. R. 7735]

AN ACT

To continue for three years the existing suspension of duties on certain alumina and bauxite, and for other purposes.

Alumina and
bauxite.
Duty suspen-
sion, extension.

80 Stat. 192.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That (a) items 907.15 (relating to aluminum oxide (alumina) when imported for use in producing aluminum), 909.30 (relating to bauxite, calcined), and 911.05 (relating to bauxite ore) of the Tariff Schedules of the United States (19 U.S.C. 1202) are each amended by striking out "7/15/68" and inserting in lieu thereof "7/15/71".

(b) The amendments made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after July 15, 1968. Upon request therefor filed with the customs officer concerned on or before the 120th day after the date of the enactment of this Act, entries and withdrawals of articles described in items 907.15, 909.30, and 911.05 of the Tariff Schedules of the United States (as amended by subsection (a)) which were made after July 15, 1968, and before the date of the enactment of this Act shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entries or withdrawals had been made on the date of the enactment of this Act.

SEC. 2. (a) Section 5134(b) of the Internal Revenue Code of 1954 (relating to claims for drawback of distilled spirits taxes on account of certain nonbeverage uses) is amended by striking out in the last sentence thereof "3 months" and inserting in lieu thereof "6 months".

(b) The amendment made by subsection (a) shall apply with respect to claims filed on or after the date of the enactment of this Act.

46 Stat. 734.
19 USC 1514.

72 Stat. 1346.
26 USC 5134.

SEC. 3. (a) Items 911.10 (relating to copper waste and scrap), 911.11 (relating to articles of copper), 911.13 (relating to copper bearing ores and materials), 911.14 (relating to cement copper and copper precipitates), 911.15 (relating to black copper, blister copper, and anode copper), and 911.16 (relating to other unwrought copper) of the Tariff Schedules of the United States (19 U.S.C. 1202) are each amended by striking out "6/30/68" and inserting in lieu thereof "6/30/70 (see headnote 3 of this subpart)".

Copper.
Duty suspension, extension.

80 Stat. 218.

(b) The headnotes of subpart B of part 1 of the Appendix to the Tariff Schedules of the United States are amended by adding at the end thereof the following new headnote:

81 Stat. 776.

"3. (a) Items 911.10, 911.11, 911.13, 911.14, 911.15, and 911.16 shall not apply when the market price of copper is under 36 cents per pound.

"(b) For purposes of subparagraph (a), the market price of copper has the meaning assigned to it by headnote 5(b) of the headnotes of schedule 6, part 2, subpart C.

"(c) For purposes of subparagraph (a), the market price of copper shall be considered to be under 36 cents per pound only on and after the 20th day after the date of a report by the United States Tariff Commission to the Secretary of the Treasury that it has determined that the market price has been under 36 cents per pound for one calendar month. After any such report, the market price shall be considered as not being under 36 cents per pound only on and after the 20th day after the date of a report by the Commission to the Secretary that it has determined that the market price has been 36 cents or more per pound for one calendar month.

77A Stat. 275;
Post, p. 1478.

"(d) Determinations by the Commission under this headnote shall be made in the manner prescribed by headnote 5(e) of schedule 6, part 2, subpart C."

(c) The amendments made by this section shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after June 30, 1968. Upon request therefor filed with the customs officer concerned on or before the 120th day after the date of the enactment of this Act, entries and withdrawals of articles described in items 911.10, 911.11, 911.13, 911.14, 911.15, and 911.16 of the Tariff Schedules of the United States (as amended by subsection (a)) which were made after June 30, 1968, and before the date of enactment of this Act shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entries or withdrawals had been made on the date of the enactment of this Act.

46 Stat. 734.
19 USC 1514.

SEC. 4. Part 4 of schedule 8 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting after item 854.10 the following new item:

77A Stat. 419.

" 854.20	Cellulosic plastics materials imported for use in artificial kidney machines or apparatus by a hospital or by a patient pursuant to prescription of a physician.	Free	The Column 2 rate applicable in the absence of this item "
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(b) Headnote 1 of such part 4 is amended by striking out "and 852.20" and inserting in lieu thereof "852.20, and 854.20".

80 Stat. 899.

(c) The amendments made by subsections (a) and (b) shall apply with respect to articles entered or withdrawn from warehouse for consumption on or after the date of the enactment of this Act.

Approved October 21, 1968.

Public Law 90-616

October 21, 1968
[S. 4120]

AN ACT

To amend title 5, United States Code, to authorize the waiver, in certain cases, of claims of the United States arising out of erroneous payments of pay to employees of the executive agencies, and for other purposes.

Federal em-
ployees.
U.S. claims for
overpayment,
waiver.
80 Stat. 495.
5 USC 5581-
5583.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter VIII of chapter 55 of title 5, United States Code, is amended by adding at the end thereof the following new section:

“§ 5584. Claims for overpayment of pay

“(a) A claim of the United States against a person arising out of an erroneous payment of pay, on or after July 1, 1960, to an employee of an executive agency, the collection of which would be against equity and good conscience and not in the best interests of the United States, may be waived in whole or in part by—

“(1) the Comptroller General of the United States; or

“(2) the head of the executive agency when—

“(A) the claim is in an amount aggregating not more than \$500;

“(B) the claim is not the subject of an exception made by the Comptroller General in the account of any accountable official; and

“(C) the waiver is made in accordance with standards which the Comptroller General shall prescribe.

“(b) The Comptroller General or the head of the executive agency, as the case may be, may not exercise his authority under this section to waive any claim—

“(1) if, in his opinion, there exists, in connection with the claim, an indication of fraud, misrepresentation, fault, or lack of good faith on the part of the employee or any other person having an interest in obtaining a waiver of the claim; or

“(2) after the expiration of three years immediately following the date on which the erroneous payment of pay was discovered or three years immediately following the effective date of this section, whichever is later.

“(c) A person who has repaid to the United States all or part of the amount of a claim, with respect to which a waiver is granted under this section, is entitled, to the extent of the waiver, to refund, by the employing agency at the time of the erroneous payment, of the amount repaid to the United States, if he applies to that employing agency for that refund within two years following the effective date of the waiver. The employing agency shall pay that refund in accordance with this section.

“(d) In the audit and settlement of the accounts of any accountable official, full credit shall be given for any amounts with respect to which collection by the United States is waived under this section.

“(e) An erroneous payment, the collection of which is waived under this section, is deemed a valid payment for all purposes.

“(f) This section does not affect any authority under any other statute to litigate, settle, compromise, or waive any claim of the United States.”.

(b) The table of contents of subchapter VIII of chapter 55 of title 5, United States Code, is amended by inserting the following new item immediately below item 5583:

“5584. Claims for overpayment of pay.”.

Approved October 21, 1968.

Time limita-
tion.

Refunds.

Savings
provision.

Public Law 90-617

AN ACT

October 21, 1968
[S. 3207]

To amend section 2 of the Act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of June 30, 1954 (68 Stat. 330), as amended, is amended by deleting "and \$35,000,000 for each of the fiscal years 1968 and 1969," and inserting in lieu thereof a comma and the following: "for fiscal year 1969, \$5,000,000 in addition to the sums heretofore appropriated, for fiscal year 1970, \$50,000,000 and for fiscal year 1971, \$50,000,000".

SEC. 2. The Act of June 30, 1954 (68 Stat. 330), as amended, is amended by adding a new section 3 as follows:

"SEC. 3. There are hereby authorized to be appropriated such sums as the Secretary of the Interior may find necessary, but not to exceed \$10,000,000 for any one year, to alleviate suffering and damage resulting from major disasters that occur in the Trust Territory of the Pacific Islands. Such sums shall be in addition to those authorized in section 2 of this Act and shall not be subject to the limitations imposed by section 2 of this Act. The Secretary of the Interior shall determine whether or not a major disaster has occurred in accordance with the principles and policies of section 2 of the Act of September 30, 1950 (64 Stat. 1109), as amended (42 U.S.C. 1855a)."

Approved October 21, 1968.

Pacific Trust
Territory, civil
government.
Appropriation.
81 Stat. 15.
48 USC 1681 note.

Disaster relief.

76 Stat. 111.

Public Law 90-618

AN ACT

October 22, 1968
[H. R. 17735]

To amend title 18, United States Code, to provide for better control of the interstate traffic in firearms.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Gun Control Act of 1968".

Gun Control Act
of 1968.

TITLE I—STATE FIREARMS CONTROL ASSISTANCE

PURPOSE

SEC. 101. The Congress hereby declares that the purpose of this title is to provide support to Federal, State, and local law enforcement officials in their fight against crime and violence, and it is not the purpose of this title to place any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisi-

tion, possession, or use of firearms appropriate to the purpose of hunting, trapshooting, target shooting, personal protection, or any other lawful activity, and that this title is not intended to discourage or eliminate the private ownership or use of firearms by law-abiding citizens for lawful purposes, or provide for the imposition by Federal regulations of any procedures or requirements other than those reasonably necessary to implement and effectuate the provisions of this title.

Ante, p. 226.

SEC. 102. Chapter 44 of title 18, United States Code, is amended to read as follows:

“Chapter 44.—FIREARMS

“Sec.

“921. Definitions.

“922. Unlawful acts.

“923. Licensing.

“924. Penalties.

“925. Exceptions: Relief from disabilities.

“926. Rules and regulations.

“927. Effect on State law.

“928. Separability clause.

“§ 921. Definitions

“(a) As used in this chapter—

“(1) The term ‘person’ and the term ‘whoever’ include any individual, corporation, company, association, firm, partnership, society, or joint stock company.

“(2) The term ‘interstate or foreign commerce’ includes commerce between any place in a State and any place outside of that State, or within any possession of the United States (not including the Canal Zone) or the District of Columbia, but such term does not include commerce between places within the same State but through any place outside of that State. The term ‘State’ includes the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States (not including the Canal Zone).

“(3) The term ‘firearm’ means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

“(4) The term ‘destructive device’ means—

“(A) any explosive, incendiary, or poison gas—

“(i) bomb,

“(ii) grenade,

“(iii) rocket having a propellant charge of more than four ounces,

“(iv) missile having an explosive or incendiary charge of more than one-quarter ounce,

“(v) mine, or

“(vi) device similar to any of the devices described in the preceding clauses;

“(B) any type of weapon (other than a shotgun or a shotgun shell which the Secretary finds is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and

“(C) any combination of parts either designed or intended for use in converting any device into any destructive device described in subparagraph (A) or (B) and from which a destructive device may be readily assembled.

The term ‘destructive device’ shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10; or any other device which the Secretary of the Treasury finds is not likely to be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting purposes.

70 A Stat. 263.

“(5) The term ‘shotgun’ means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

“(6) The term ‘short-barreled shotgun’ means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than twenty-six inches.

“(7) The term ‘rifle’ means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

“(8) The term ‘short-barreled rifle’ means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon, as modified, has an overall length of less than twenty-six inches.

“(9) The term ‘importer’ means any person engaged in the business of importing or bringing firearms or ammunition into the United States for purposes of sale or distribution; and the term ‘licensed importer’ means any such person licensed under the provisions of this chapter.

“(10) The term ‘manufacturer’ means any person engaged in the manufacture of firearms or ammunition for purposes of sale or dis-

tribution; and the term 'licensed manufacturer' means any such person licensed under the provisions of this chapter.

"(11) The term 'dealer' means (A) any person engaged in the business of selling firearms or ammunition at wholesale or retail, (B) any person engaged in the business of repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms, or (C) any person who is a pawnbroker. The term 'licensed dealer' means any dealer who is licensed under the provisions of this chapter.

"(12) The term 'pawnbroker' means any person whose business or occupation includes the taking or receiving, by way of pledge or pawn, of any firearm or ammunition as security for the payment or repayment of money.

"(13) The term 'collector' means any person who acquires, holds, or disposes of firearms or ammunition as curios or relics, as the Secretary shall by regulation define, and the term 'licensed collector' means any such person licensed under the provisions of this chapter.

"(14) The term 'indictment' includes an indictment or information in any court under which a crime punishable by imprisonment for a term exceeding one year may be prosecuted.

"(15) The term 'fugitive from justice' means any person who has fled from any State to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding.

"(16) The term 'antique firearm' means—

"(A) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and

"(B) any replica of any firearm described in subparagraph (A) if such replica—

"(i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or

"(ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

"(17) The term 'ammunition' means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

"(18) The term 'Secretary' or 'Secretary of the Treasury' means the Secretary of the Treasury or his delegate.

"(19) The term 'published ordinance' means a published law of any political subdivision of a State which the Secretary determines to be relevant to the enforcement of this chapter and which is contained on a list compiled by the Secretary, which list shall be published in the Federal Register, revised annually, and furnished to each licensee under this chapter.

"(20) The term 'crime punishable by imprisonment for a term exceeding one year' shall not include (A) any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices as the Secretary may by regulation designate, or (B) any State offense (other than one involving a firearm or explosive) classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of two years or less.

"(b) For the purposes of this chapter, a member of the Armed Forces on active duty is a resident of the State in which his permanent duty station is located.

§ 922. Unlawful acts

"(a) It shall be unlawful—

"(1) for any person, except a licensed importer, licensed manufacturer, or licensed dealer, to engage in the business of importing,

manufacturing, or dealing in firearms or ammunition, or in the course of such business to ship, transport, or receive any firearm or ammunition in interstate or foreign commerce;

“(2) for any importer, manufacturer, dealer, or collector licensed under the provisions of this chapter to ship or transport in interstate or foreign commerce any firearm or ammunition to any person other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, except that—

“(A) this paragraph and subsection (b) (3) shall not be held to preclude a licensed importer, licensed manufacturer, licensed dealer, or licensed collector from returning a firearm or replacement firearm of the same kind and type to a person from whom it was received; and this paragraph shall not be held to preclude an individual from mailing a firearm owned in compliance with Federal, State, and local law to a licensed importer, licensed manufacturer, or licensed dealer for the sole purpose of repair or customizing;

“(B) this paragraph shall not be held to preclude a licensed importer, licensed manufacturer, or licensed dealer from depositing a firearm for conveyance in the mails to any officer, employee, agent, or watchman who, pursuant to the provisions of section 1715 of this title, is eligible to receive through the mails pistols, revolvers, and other firearms capable of being concealed on the person, for use in connection with his official duty; and

62 Stat. 781;
63 Stat. 95.

“(C) nothing in this paragraph shall be construed as applying in any manner in the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States differently than it would apply if the District of Columbia, the Commonwealth of Puerto Rico, or the possession were in fact a State of the United States;

“(3) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector to transport into or receive in the State where he resides (or if the person is a corporation or other business entity, the State where it maintains a place of business) any firearm purchased or otherwise obtained by such person outside that State, except that this paragraph (A) shall not preclude any person who lawfully acquires a firearm by bequest or intestate succession in a State other than his State of residence from transporting the firearm into or receiving it in that State, if it is lawful for such person to purchase or possess such firearm in that State, (B) shall not apply to the transportation or receipt of a rifle or shotgun obtained in conformity with the provisions of subsection (b) (3) of this section, and (C) shall not apply to the transportation of any firearm acquired in any State prior to the effective date of this chapter;

“(4) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, to transport in interstate or foreign commerce any destructive device, machine-gun (as defined in section 5845 of the Internal Revenue Code of 1954), short-barreled shotgun, or short-barreled rifle, except as specifically authorized by the Secretary consistent with public safety and necessity;

Post, p. 1231.

“(5) for any person (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) to transfer, sell, trade, give, transport, or deliver any firearm to any person (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) who the transferor knows or has reasonable cause to believe resides in any State other than that in

which the transferor resides (or other than that in which its place of business is located if the transferor is a corporation or other business entity); except that this paragraph shall not apply to (A) the transfer, transportation, or delivery of a firearm made to carry out a bequest of a firearm to, or an acquisition by intestate succession of a firearm by, a person who is permitted to acquire or possess a firearm under the laws of the State of his residence, and (B) the loan or rental of a firearm to any person for temporary use for lawful sporting purposes; and

“(6) for any person in connection with the acquisition or attempted acquisition of any firearm or ammunition from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, knowingly to make any false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, intended or likely to deceive such importer, manufacturer, dealer, or collector with respect to any fact material to the lawfulness of the sale or other disposition of such firearm or ammunition under the provisions of this chapter.

“(b) It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector to sell or deliver—

“(1) any firearm or ammunition to any individual who the licensee knows or has reasonable cause to believe is less than eighteen years of age, and, if the firearm, or ammunition is other than a shotgun or rifle, or ammunition for a shotgun or rifle, to any individual who the licensee knows or has reasonable cause to believe is less than twenty-one years of age.

“(2) any firearm or ammunition to any person in any State where the purchase or possession by such person of such firearm or ammunition would be in violation of any State law or any published ordinance applicable at the place of sale, delivery or other disposition, unless the licensee knows or has reasonable cause to believe that the purchase or possession would not be in violation of such State law or such published ordinance;

“(3) any firearm to any person who the licensee knows or has reasonable cause to believe does not reside in (or if the person is a corporation or other business entity, does not maintain a place of business in) the State in which the licensee's place of business is located, except that this paragraph (A) shall not apply to the sale or delivery of a rifle or shotgun to a resident of a State contiguous to the State in which the licensee's place of business is located if the purchaser's State of residence permits such sale or delivery by law, the sale fully complies with the legal conditions of sale in both such contiguous States, and the purchaser and the licensee have, prior to the sale, or delivery for sale, of the rifle or shotgun, complied with all of the requirements of section 922(c) applicable to intrastate transactions other than at the licensee's business premises, (B) shall not apply to the loan or rental of a firearm to any person for temporary use for lawful sporting purposes, and (C) shall not preclude any person who is participating in any organized rifle or shotgun match or contest, or is engaged in hunting, in a State other than his State of residence and whose rifle or shotgun has been lost or stolen or has become inoperative in such other State, from purchasing a rifle or shotgun in such other State from a licensed dealer if such person presents to such dealer a sworn statement (i) that his rifle or shotgun was lost or stolen or became inoperative while participating in such a match or contest, or while engaged in hunting, in such other State, and (ii) identifying the chief law enforcement officer of the locality in which such person resides, to whom such licensed dealer shall forward such statement by registered mail;

“(4) to any person any destructive device, machinegun (as defined in section 5845 of the Internal Revenue Code of 1954), short-barreled shotgun, or short-barreled rifle, except as specifically authorized by the Secretary consistent with public safety and necessity; and

Post, p. 1231.

“(5) any firearm or ammunition to any person unless the licensee notes in his records, required to be kept pursuant to section 923 of this chapter, the name, age, and place of residence of such person if the person is an individual, or the identity and principal and local places of business of such person if the person is a corporation or other business entity.

Recordkeeping.

Paragraphs (1), (2), (3), and (4) of this subsection shall not apply to transactions between licensed importers, licensed manufacturers, licensed dealers, and licensed collectors. Paragraph (4) of this subsection shall not apply to a sale or delivery to any research organization designated by the Secretary.

“(c) In any case not otherwise prohibited by this chapter, a licensed importer, licensed manufacturer, or licensed dealer may sell a firearm to a person who does not appear in person at the licensee’s business premises (other than another licensed importer, manufacturer, or dealer) only if—

“(1) the transferee submits to the transferor a sworn statement in the following form:

“Subject to penalties provided by law, I swear that, in the case of any firearm other than a shotgun or a rifle, I am twenty-one years or more of age, or that, in the case of a shotgun or a rifle, I am eighteen years or more of age; that I am not prohibited by the provisions of chapter 44 of title 18, United States Code, from receiving a firearm in interstate or foreign commerce; and that my receipt of this firearm will not be in violation of any statute of the State and published ordinance applicable to the locality in which I reside. Further, the true title, name, and address of the principal law enforcement officer of the locality to which the firearm will be delivered are -----

Ante, p. 1214.

Signature ----- Date -----,

and containing blank spaces for the attachment of a true copy of any permit or other information required pursuant to such statute or published ordinance;

“(2) the transferor has, prior to the shipment or delivery of the firearm, forwarded by registered or certified mail (return receipt requested) a copy of the sworn statement, together with a description of the firearm, in a form prescribed by the Secretary, to the chief law enforcement officer of the transferee’s place of residence, and has received a return receipt evidencing delivery of the statement or has had the statement returned due to the refusal of the named addressee to accept such letter in accordance with United States Post Office Department regulations; and

“(3) the transferor has delayed shipment or delivery for a period of at least seven days following receipt of the notification of the acceptance or refusal of delivery of the statement.

Recordkeeping.

A copy of the sworn statement and a copy of the notification to the local law enforcement officer, together with evidence of receipt or rejection of that notification shall be retained by the licensee as a part of the records required to be kept under section 923(g).

“(d) It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector to sell or otherwise dispose of any firearm or ammunition to any person knowing or having reasonable cause to believe that such person—

“(1) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

“(2) is a fugitive from justice;

“(3) is an unlawful user of or addicted to marihuana or any depressant or stimulant drug (as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act) or narcotic drug (as defined in section 4731(a) of the Internal Revenue Code of 1954); or

“(4) has been adjudicated as a mental defective or has been committed to any mental institution.

This subsection shall not apply with respect to the sale or disposition of a firearm or ammunition to a licensed importer, licensed manufacturer, licensed dealer, or licensed collector who pursuant to subsection (b) of section 925 of this chapter is not precluded from dealing in firearms or ammunition, or to a person who has been granted relief from disabilities pursuant to subsection (c) of section 925 of this chapter.

“(e) It shall be unlawful for any person knowingly to deliver or cause to be delivered to any common or contract carrier for transportation or shipment in interstate or foreign commerce, to persons other than licensed importers, licensed manufacturers, licensed dealers, or licensed collectors, any package or other container in which there is any firearm or ammunition without written notice to the carrier that such firearm or ammunition is being transported or shipped; except that any passenger who owns or legally possesses a firearm or ammunition being transported aboard any common or contract carrier for movement with the passenger in interstate or foreign commerce may deliver said firearm or ammunition into the custody of the pilot, captain, conductor or operator of such common or contract carrier for the duration of the trip without violating any of the provisions of this chapter.

“(f) It shall be unlawful for any common or contract carrier to transport or deliver in interstate or foreign commerce any firearm or ammunition with knowledge or reasonable cause to believe that the shipment, transportation, or receipt thereof would be in violation of the provisions of this chapter.

“(g) It shall be unlawful for any person—

“(1) who is under indictment for, or who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

“(2) who is a fugitive from justice;

“(3) who is an unlawful user of or addicted to marihuana or any depressant or stimulant drug (as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act) or narcotic drug (as defined in section 4731(a) of the Internal Revenue Code of 1954); or

“(4) who has been adjudicated as a mental defective or who has been committed to a mental institution;

to ship or transport any firearm or ammunition in interstate or foreign commerce.

“(h) It shall be unlawful for any person—

“(1) who is under indictment for, or who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

“(2) who is a fugitive from justice;

Post, p. 1361.
21 USC 321.
74 Stat. 57.
26 USC 4731.

“(3) who is an unlawful user of or addicted to marihuana or any depressant or stimulant drug (as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act) or narcotic drug (as defined in section 4731(a) of the Internal Revenue Code of 1954); or

Post, p. 1361.
21 USC 321.
74 Stat. 57.
26 USC 4731.

“(4) who has been adjudicated as a mental defective or who has been committed to any mental institution;
to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

“(i) It shall be unlawful for any person to transport or ship in interstate or foreign commerce, any stolen firearm or stolen ammunition, knowing or having reasonable cause to believe that the firearm or ammunition was stolen.

“(j) It shall be unlawful for any person to receive, conceal, store, barter, sell, or dispose of any stolen firearm or stolen ammunition, or pledge or accept as security for a loan any stolen firearm or stolen ammunition, which is moving as, which is a part of, or which constitutes, interstate or foreign commerce, knowing or having reasonable cause to believe that the firearm or ammunition was stolen.

“(k) It shall be unlawful for any person knowingly to transport, ship, or receive, in interstate or foreign commerce, any firearm which has had the importer's or manufacturer's serial number removed, obliterated, or altered.

“(l) Except as provided in section 925(d) of this chapter, it shall be unlawful for any person knowingly to import or bring into the United States or any possession thereof any firearm or ammunition; and it shall be unlawful for any person knowingly to receive any firearm or ammunition which has been imported or brought into the United States or any possession thereof in violation of the provisions of this chapter.

“(m) It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector knowingly to make any false entry in, to fail to make appropriate entry in, or to fail to properly maintain, any record which he is required to keep pursuant to section 923 of this chapter or regulations promulgated thereunder.

Recordkeeping.

“§ 923. Licensing

“(a) No person shall engage in business as a firearms or ammunition importer, manufacturer, or dealer until he has filed an application with, and received a license to do so from, the Secretary. The application shall be in such form and contain such information as the Secretary shall by regulation prescribe. Each applicant shall pay a fee for obtaining such a license, a separate fee being required for each place in which the applicant is to do business, as follows:

Fees.

“(1) If the applicant is a manufacturer—

“(A) of destructive devices or ammunition for destructive devices, a fee of \$1,000 per year;

“(B) of firearms other than destructive devices, a fee of \$50 per year; or

“(C) of ammunition for firearms other than destructive devices, a fee of \$10 per year.

“(2) If the applicant is an importer—

“(A) of destructive devices or ammunition for destructive devices, a fee of \$1,000 per year; or

“(B) of firearms other than destructive devices or ammunition for firearms other than destructive devices, a fee of \$50 per year.

“(3) If the applicant is a dealer—

“(A) in destructive devices or ammunition for destructive devices, a fee of \$1,000 per year;

“(B) who is a pawnbroker dealing in firearms other than destructive devices or ammunition for firearms other than destructive devices, a fee of \$25 per year; or

“(C) who is not a dealer in destructive devices or a pawnbroker, a fee of \$10 per year.

“(b) Any person desiring to be licensed as a collector shall file an application for such license with the Secretary. The application shall be in such form and contain such information as the Secretary shall by regulation prescribe. The fee for such license shall be \$10 per year. Any license granted under this subsection shall only apply to transactions in curios and relics.

“(c) Upon the filing of a proper application and payment of the prescribed fee, the Secretary shall issue to a qualified applicant the appropriate license which, subject to the provisions of this chapter and other applicable provisions of law, shall entitle the licensee to transport, ship, and receive firearms and ammunition covered by such license in interstate or foreign commerce during the period stated in the license.

Approval.

“(d) (1) Any application submitted under subsection (a) or (b) of this section shall be approved if—

“(A) the applicant is twenty-one years of age or over;

“(B) the applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is not prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under section 922 (g) and (h) of this chapter;

“(C) the applicant has not willfully violated any of the provisions of this chapter or regulations issued thereunder;

“(D) the applicant has not willfully failed to disclose any material information required, or has not made any false statement as to any material fact, in connection with his application; and

“(E) the applicant has in a State (i) premises from which he conducts business subject to license under this chapter or from which he intends to conduct such business within a reasonable period of time, or (ii) in the case of a collector, premises from which he conducts his collecting subject to license under this chapter or from which he intends to conduct such collecting within a reasonable period of time.

“(2) The Secretary must approve or deny an application for a license within the forty-five-day period beginning on the date it is received. If the Secretary fails to act within such period, the applicant may file an action under section 1361 of title 28 to compel the Secretary to act. If the Secretary approves an applicant's application, such applicant shall be issued a license upon the payment of the prescribed fee.

76 Stat. 744.

Revocation.

“(e) The Secretary may, after notice and opportunity for hearing, revoke any license issued under this section if the holder of such license has violated any provision of this chapter or any rule or regulation prescribed by the Secretary under this chapter. The Secretary's action under this subsection may be reviewed only as provided in subsection (f) of this section.

“(f) (1) Any person whose application for a license is denied and any holder of a license which is revoked shall receive a written notice from the Secretary stating specifically the grounds upon which the application was denied or upon which the license was revoked. Any notice of a revocation of a license shall be given to the holder of such license before the effective date of the revocation.

“(2) If the Secretary denies an application for, or revokes, a license, he shall, upon request by the aggrieved party, promptly hold a hearing to review his denial or revocation. In the case of a revocation of a license, the Secretary shall upon the request of the holder of the license stay the effective date of the revocation. A hearing held under this paragraph shall be held at a location convenient to the aggrieved party.

Hearing.

“(3) If after a hearing held under paragraph (2) the Secretary decides not to reverse his decision to deny an application or revoke a license, the Secretary shall give notice of his decision to the aggrieved party. The aggrieved party may at any time within sixty days after the date notice was given under this paragraph file a petition with the United States district court for the district in which he resides or has his principal place of business for a judicial review of such denial or revocation. In a proceeding conducted under this subsection, the court may consider any evidence submitted by the parties to the proceeding. If the court decides that the Secretary was not authorized to deny the application or to revoke the license, the court shall order the Secretary to take such action as may be necessary to comply with the judgment of the court.

Judicial review.

“(g) Each licensed importer, licensed manufacturer, licensed dealer, and licensed collector shall maintain such records of importation, production, shipment, receipt, sale, or other disposition, of firearms and ammunition at such place, for such period, and in such form as the Secretary may by regulations prescribe. Such importers, manufacturers, dealers, and collectors shall make such records available for inspection at all reasonable times, and shall submit to the Secretary such reports and information with respect to such records and the contents thereof as he shall by regulations prescribe. The Secretary may enter during business hours the premises (including places of storage) of any firearms or ammunition importer, manufacturer, dealer, or collector for the purpose of inspecting or examining (1) any records or documents required to be kept by such importer, manufacturer, dealer, or collector under the provisions of this chapter or regulations issued under this chapter, and (2) any firearms or ammunition kept or stored by such importer, manufacturer, dealer, or collector at such premises. Upon the request of any State or any political subdivision thereof, the Secretary may make available to such State or any political subdivision thereof, any information which he may obtain by reason of the provisions of this chapter with respect to the identification of persons within such State or political subdivision thereof, who have purchased or received firearms or ammunition, together with a description of such firearms or ammunition.

Recordkeeping.

“(h) Licenses issued under the provisions of subsection (c) of this section shall be kept posted and kept available for inspection on the premises covered by the license.

Posting of license.

“(i) Licensed importers and licensed manufacturers shall identify, by means of a serial number engraved or cast on the receiver or frame of the weapon, in such manner as the Secretary shall by regulations prescribe, each firearm imported or manufactured by such importer or manufacturer.

“(j) This section shall not apply to anyone who engages only in hand loading, reloading, or custom loading ammunition for his own firearm, and who does not hand load, reload, or custom load ammunition for others.

Exemption.

“§ 924. Penalties

“(a) Whoever violates any provision of this chapter or knowingly makes any false statement or representation with respect to the information required by the provisions of this chapter to be kept in the records of a person licensed under this chapter, or in applying for any

license or exemption or relief from disability under the provisions of this chapter, shall be fined not more than \$5,000, or imprisoned not more than five years, or both, and shall become eligible for parole as the Board of Parole shall determine.

“(b) Whoever, with intent to commit therewith an offense punishable by imprisonment for a term exceeding one year, or with knowledge or reasonable cause to believe that an offense punishable by imprisonment for a term exceeding one year is to be committed therewith, ships, transports, or receives a firearm or any ammunition in interstate or foreign commerce shall be fined not more than \$10,000, or imprisoned not more than ten years, or both.

“(c) Whoever—

“(1) uses a firearm to commit any felony which may be prosecuted in a court of the United States, or

“(2) carries a firearm unlawfully during the commission of any felony which may be prosecuted in a court of the United States,

shall be sentenced to a term of imprisonment for not less than one year nor more than 10 years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to a term of imprisonment for not less than five years nor more than 25 years, and, notwithstanding any other provision of law, the court shall not suspend the sentence of such person or give him a probationary sentence.

“(d) Any firearm or ammunition involved in or used or intended to be used in, any violation of the provisions of this chapter or any rule or regulation promulgated thereunder, or any violation of any other criminal law of the United States, shall be subject to seizure and forfeiture and all provisions of the Internal Revenue Code of 1954 relating to the seizure, forfeiture, and disposition of firearms, as defined in section 5845(a) of that Code, shall, so far as applicable, extend to seizures and forfeitures under the provisions of this chapter.

§ 925. Exceptions: Relief from disabilities

“(a) (1) The provisions of this chapter shall not apply with respect to the transportation, shipment, receipt, or importation of any firearm or ammunition imported for, sold or shipped to, or issued for the use of, the United States or any department or agency thereof or any State or any department, agency, or political subdivision thereof.

“(2) The provisions of this chapter shall not apply with respect to (A) the shipment or receipt of firearms or ammunition when sold or issued by the Secretary of the Army pursuant to section 4308 of title 10, and (B) the transportation of any such firearm or ammunition carried out to enable a person, who lawfully received such firearm or ammunition from the Secretary of the Army, to engage in military training or in competitions.

“(3) Unless otherwise prohibited by this chapter or any other Federal law, a licensed importer, licensed manufacturer, or licensed dealer may ship to a member of the United States Armed Forces on active duty outside the United States or to clubs, recognized by the Department of Defense, whose entire membership is composed of such members, and such members or clubs may receive a firearm or ammunition determined by the Secretary of the Treasury to be generally recognized as particularly suitable for sporting purposes and intended for the personal use of such member or club.

“(4) When established to the satisfaction of the Secretary to be consistent with the provisions of this chapter and other applicable Federal and State laws and published ordinances, the Secretary may

Post, p. 1230.

70A Stat. 236.

authorize the transportation, shipment, receipt, or importation into the United States to the place of residence of any member of the United States Armed Forces who is on active duty outside the United States (or who has been on active duty outside the United States within the sixty day period immediately preceding the transportation, shipment, receipt, or importation), of any firearm or ammunition which is (A) determined by the Secretary to be generally recognized as particularly suitable for sporting purposes, or determined by the Department of Defense to be a type of firearm normally classified as a war souvenir, and (B) intended for the personal use of such member.

“(5) For the purpose of paragraphs (3) and (4) of this subsection, the term ‘United States’ means each of the several States and the District of Columbia.

“‘United States.’”

“(b) A licensed importer, licensed manufacturer, licensed dealer, or licensed collector who is indicted for a crime punishable by imprisonment for a term exceeding one year, may, notwithstanding any other provision of this chapter, continue operation pursuant to his existing license (if prior to the expiration of the term of the existing license timely application is made for a new license) during the term of such indictment and until any conviction pursuant to the indictment becomes final.

“(c) A person who has been convicted of a crime punishable by imprisonment for a term exceeding one year (other than a crime involving the use of a firearm or other weapon or a violation of this chapter or of the National Firearms Act) may make application to the Secretary for relief from the disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of such conviction, and the Secretary may grant such relief if it is established to his satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest. A licensed importer, licensed manufacturer, licensed dealer, or licensed collector conducting operations under this chapter, who makes application for relief from the disabilities incurred under this chapter by reason of such a conviction, shall not be barred by such conviction from further operations under his license pending final action on an application for relief filed pursuant to this section. Whenever the Secretary grants relief to any person pursuant to this section he shall promptly publish in the Federal Register notice of such action, together with the reasons therefor.

Post, p. 1227.

Publication in
Federal Register.

“(d) The Secretary may authorize a firearm or ammunition to be imported or brought into the United States or any possession thereof if the person importing or bringing in the firearm or ammunition establishes to the satisfaction of the Secretary that the firearm or ammunition—

“(1) is being imported or brought in for scientific or research purposes, or is for use in connection with competition or training pursuant to chapter 401 of title 10;

“(2) is an unserviceable firearm, other than a machinegun as defined in section 5845(b) of the Internal Revenue Code of 1954 (not readily restorable to firing condition), imported or brought in as a curio or museum piece;

“(3) is of a type that does not fall within the definition of a firearm as defined in section 5845(a) of the Internal Revenue Code of 1954 and is generally recognized as particularly suitable for or readily adaptable to sporting purposes, excluding surplus military firearms; or

70A Stat. 234.
10 USC 4301-
4313.
Post, p. 1231.

“(4) was previously taken out of the United States or a possession by the person who is bringing in the firearm or ammunition. The Secretary may permit the conditional importation or bringing in of a firearm or ammunition for examination and testing in connection with the making of a determination as to whether the importation or bringing in of such firearm or ammunition will be allowed under this subsection.

“§ 926. Rules and regulations

“The Secretary may prescribe such rules and regulations as he deems reasonably necessary to carry out the provisions of this chapter, including—

“(1) regulations providing that a person licensed under this chapter, when dealing with another person so licensed, shall provide such other licensed person a certified copy of this license; and

“(2) regulations providing for the issuance, at a reasonable cost, to a person licensed under this chapter, of certified copies of his license for use as provided under regulations issued under paragraph (1) of this subsection.

The Secretary shall give reasonable public notice, and afford to interested parties opportunity for hearing, prior to prescribing such rules and regulations.

“§ 927. Effect on State law

“No provision of this chapter shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provision operates to the exclusion of the law of any State on the same subject matter, unless there is a direct and positive conflict between such provision and the law of the State so that the two cannot be reconciled or consistently stand together.

“§ 928. Separability

“If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected thereby.”

SEC. 103. The administration and enforcement of the amendment made by this title shall be vested in the Secretary of the Treasury.

SEC. 104. Nothing in this title or the amendment made thereby shall be construed as modifying or affecting any provision of—

(a) the National Firearms Act (chapter 53 of the Internal Revenue Code of 1954);

(b) section 414 of the Mutual Security Act of 1954 (22 U.S.C. 1934), as amended, relating to munitions control; or

(c) section 1715 of title 18, United States Code, relating to non-mailable firearms.

SEC. 105. (a) Except as provided in subsection (b), the provisions of chapter 44 of title 18, United States Code, as amended by section 102 of this title, shall take effect on December 16, 1968.

(b) The following sections of chapter 44 of title 18, United States Code, as amended by section 102 of this title shall take effect on the date of the enactment of this title: Sections 921, 922(1), 925(a)(1), and 925(d).

Post, p. 1227.

68 Stat. 848.

62 Stat. 781;
63 Stat. 95.

Effective dates.

TITLE II—MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS

SEC. 201. Chapter 53 of the Internal Revenue Code of 1954 is amended to read as follows:

National Fire-
arms Act Amend-
ments of 1968.
68A Stat. 721.
72 Stat. 1428.
26 USC 5801-
5862.

“CHAPTER 53—MACHINE GUNS, DESTRUCTIVE DEVICES, AND CERTAIN OTHER FIREARMS

- “Subchapter A. Taxes.
- “Subchapter B. General provisions and exemptions.
- “Subchapter C. Prohibited acts.
- “Subchapter D. Penalties and forfeitures.

“Subchapter A—Taxes

- “Part I. Special (occupational) taxes.
- “Part II. Tax on transferring firearms.
- “Part III. Tax on making firearms.

“PART I—SPECIAL (OCCUPATIONAL) TAXES

- “Sec. 5801. Tax.
- “Sec. 5802. Registration of importers, manufacturers, and dealers.

“SEC. 5801. TAX.

“On first engaging in business and thereafter on or before the first day of July of each year, every importer, manufacturer, and dealer in firearms shall pay a special (occupational) tax for each place of business at the following rates:

- “(1) IMPORTERS.—\$500 a year or fraction thereof;
- “(2) MANUFACTURERS.—\$500 a year or fraction thereof;
- “(3) DEALERS.—\$200 a year or fraction thereof.

Except an importer, manufacturer, or dealer who imports, manufactures, or deals in only weapons classified as ‘any other weapon’ under section 5845(e), shall pay a special (occupational) tax for each place of business at the following rates: Importers, \$25 a year or fraction thereof; manufacturers, \$25 a year or fraction thereof; dealers, \$10 a year or fraction thereof.

“SEC. 5802. REGISTRATION OF IMPORTERS, MANUFACTURERS, AND DEALERS.

“On first engaging in business and thereafter on or before the first day of July of each year, each importer, manufacturer, and dealer in firearms shall register with the Secretary or his delegate in each internal revenue district in which such business is to be carried on, his name, including any trade name, and the address of each location in the district where he will conduct such business. Where there is a change during the taxable year in the location of, or the trade name used in, such business, the importer, manufacturer, or dealer shall file an application with the Secretary or his delegate to amend his registration. Firearms operations of an importer, manufacturer, or dealer may not be commenced at the new location or under a new trade name prior to approval by the Secretary or his delegate of the application.

"PART II—TAX ON TRANSFERRING FIREARMS

"Sec. 5811. Transfer tax.

"Sec. 5812. Transfers.

"SEC. 5811. TRANSFER TAX.

"(a) **RATE.**—There shall be levied, collected, and paid on firearms transferred a tax at the rate of \$200 for each firearm transferred, except, the transfer tax on any firearm classified as any other weapon under section 5845(e) shall be at the rate of \$5 for each such firearm transferred.

"(b) **BY WHOM PAID.**—The tax imposed by subsection (a) of this section shall be paid by the transferor.

"(c) **PAYMENT.**—The tax imposed by subsection (a) of this section shall be payable by the appropriate stamps prescribed for payment by the Secretary or his delegate.

"SEC. 5812. TRANSFERS.

"(a) **APPLICATION.**—A firearm shall not be transferred unless (1) the transferor of the firearm has filed with the Secretary or his delegate a written application, in duplicate, for the transfer and registration of the firearm to the transferee on the application form prescribed by the Secretary or his delegate; (2) any tax payable on the transfer is paid as evidenced by the proper stamp affixed to the original application form; (3) the transferee is identified in the application form in such manner as the Secretary or his delegate may by regulations prescribe, except that, if such person is an individual, the identification must include his fingerprints and his photograph; (4) the transferor of the firearm is identified in the application form in such manner as the Secretary or his delegate may by regulations prescribe; (5) the firearm is identified in the application form in such manner as the Secretary or his delegate may by regulations prescribe; and (6) the application form shows that the Secretary or his delegate has approved the transfer and the registration of the firearm to the transferee. Applications shall be denied if the transfer, receipt, or possession of the firearm would place the transferee in violation of law.

"(b) **TRANSFER OF POSSESSION.**—The transferee of a firearm shall not take possession of the firearm unless the Secretary or his delegate has approved the transfer and registration of the firearm to the transferee as required by subsection (a) of this section.

"PART III—TAX ON MAKING FIREARMS

"Sec. 5821. Making tax.

"Sec. 5822. Making.

"SEC. 5821. MAKING TAX.

"(a) **RATE.**—There shall be levied, collected, and paid upon the making of a firearm a tax at the rate of \$200 for each firearm made.

"(b) **BY WHOM PAID.**—The tax imposed by subsection (a) of this section shall be paid by the person making the firearm.

"(c) **PAYMENT.**—The tax imposed by subsection (a) of this section shall be payable by the stamp prescribed for payment by the Secretary or his delegate.

"SEC. 5822. MAKING.

"No person shall make a firearm unless he has (a) filed with the Secretary or his delegate a written application, in duplicate, to make and register the firearm on the form prescribed by the Secretary or his delegate; (b) paid any tax payable on the making and such payment is evidenced by the proper stamp affixed to the original application form; (c) identified the firearm to be made in the application form

in such manner as the Secretary or his delegate may by regulations prescribe; (d) identified himself in the application form in such manner as the Secretary or his delegate may by regulations prescribe, except that, if such person is an individual, the identification must include his fingerprints and his photograph; and (e) obtained the approval of the Secretary or his delegate to make and register the firearm and the application form shows such approval. Applications shall be denied if the making or possession of the firearm would place the person making the firearm in violation of law.

“Subchapter B—General Provisions and Exemptions

“Part I. General provisions.

“Part II. Exemptions.

“PART I—GENERAL PROVISIONS

“Sec. 5841. Registration of firearms.

“Sec. 5842. Identification of firearms.

“Sec. 5843. Records and returns.

“Sec. 5844. Importation.

“Sec. 5845. Definitions.

“Sec. 5846. Other laws applicable.

“Sec. 5847. Effect on other law.

“Sec. 5848. Restrictive use of information.

“Sec. 5849. Citation of chapter.

“SEC. 5841. REGISTRATION OF FIREARMS.

“(a) **CENTRAL REGISTRY.** The Secretary or his delegate shall maintain a central registry of all firearms in the United States which are not in the possession or under the control of the United States. This registry shall be known as the National Firearms Registration and Transfer Record. The registry shall include—

National Fire-
arms Registration
and Transfer Rec-
ord.

“(1) identification of the firearm;

“(2) date of registration; and

“(3) identification and address of person entitled to possession of the firearm.

“(b) **BY WHOM REGISTERED.**—Each manufacturer, importer, and maker shall register each firearm he manufactures, imports, or makes. Each firearm transferred shall be registered to the transferee by the transferor.

“(c) **HOW REGISTERED.**—Each manufacturer shall notify the Secretary or his delegate of the manufacture of a firearm in such manner as may by regulations be prescribed and such notification shall effect the registration of the firearm required by this section. Each importer, maker, and transferor of a firearm shall, prior to importing, making, or transferring a firearm, obtain authorization in such manner as required by this chapter or regulations issued thereunder to import, make, or transfer the firearm, and such authorization shall effect the registration of the firearm required by this section.

“(d) **FIREARMS REGISTERED ON EFFECTIVE DATE OF THIS ACT.**—A person shown as possessing a firearm by the records maintained by the Secretary or his delegate pursuant to the National Firearms Act in force on the day immediately prior to the effective date of the National Firearms Act of 1968 shall be considered to have registered under this section the firearms in his possession which are disclosed by that record as being in his possession.

68A Stat. 721;
72 Stat. 1428.
26 USC 5801-
5862.
Post, p. 1235.

“(e) **PROOF OF REGISTRATION.**—A person possessing a firearm registered as required by this section shall retain proof of registration which shall be made available to the Secretary or his delegate upon request.

"SEC. 5842. IDENTIFICATION OF FIREARMS.

"(a) **IDENTIFICATION OF FIREARMS OTHER THAN DESTRUCTIVE DEVICES.**—Each manufacturer and importer and anyone making a firearm shall identify each firearm, other than a destructive device, manufactured, imported, or made by a serial number which may not be readily removed, obliterated, or altered, the name of the manufacturer, importer, or maker, and such other identification as the Secretary or his delegate may by regulations prescribe.

"(b) **FIREARMS WITHOUT SERIAL NUMBER.**—Any person who possesses a firearm, other than a destructive device, which does not bear the serial number and other information required by subsection (a) of this section shall identify the firearm with a serial number assigned by the Secretary or his delegate and any other information the Secretary or his delegate may by regulations prescribe.

"(c) **IDENTIFICATION OF DESTRUCTIVE DEVICE.**—Any firearm classified as a destructive device shall be identified in such manner as the Secretary or his delegate may by regulations prescribe.

"SEC. 5843. RECORDS AND RETURNS.

"Importers, manufacturers, and dealers shall keep such records of, and render such returns in relation to, the importation, manufacture, making, receipt, and sale, or other disposition, of firearms as the Secretary or his delegate may by regulations prescribe.

"SEC. 5844. IMPORTATION.

"No firearm shall be imported or brought into the United States or any territory under its control or jurisdiction unless the importer establishes, under regulations as may be prescribed by the Secretary or his delegate, that the firearm to be imported or brought in is—

"(1) being imported or brought in for the use of the United States or any department, independent establishment, or agency thereof or any State or possession or any political subdivision thereof; or

"(2) being imported or brought in for scientific or research purposes; or

"(3) being imported or brought in solely for testing or use as a model by a registered manufacturer or solely for use as a sample by a registered importer or registered dealer;

except that, the Secretary or his delegate may permit the conditional importation or bringing in of a firearm for examination and testing in connection with classifying the firearm.

"SEC. 5845. DEFINITIONS.

"For the purpose of this chapter—

"(a) **FIREARM.**—The term 'firearm' means (1) a shotgun having a barrel or barrels of less than 18 inches in length; (2) a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length; (3) a rifle having a barrel or barrels of less than 16 inches in length; (4) a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length; (5) any other weapon, as defined in subsection (e); (6) a machinegun; (7) a muffler or a silencer for any firearm whether or not such firearm is included within this definition; and (8) a destructive device. The term 'firearm' shall not include an antique firearm or any device (other than a machinegun or destructive device) which, although designed as a weapon, the Secretary or his delegate finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

“(b) **MACHINEGUN.**—The term ‘machinegun’ means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any combination of parts designed and intended for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

“(c) **RIFLE.**—The term ‘rifle’ means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed cartridge.

“(d) **SHOTGUN.**—The term ‘shotgun’ means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of projectiles (ball shot) or a single projectile for each pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed shotgun shell.

“(e) **ANY OTHER WEAPON.**—The term ‘any other weapon’ means any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive, a pistol or revolver having a barrel with a smooth bore designed or redesigned to fire a fixed shotgun shell, weapons with combination shotgun and rifle barrels 12 inches or more, less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, and shall include any such weapon which may be readily restored to fire. Such term shall not include a pistol or a revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition.

“(f) **DESTRUCTIVE DEVICE.**—The term ‘destructive device’ means (1) any explosive, incendiary, or poison gas (A) bomb, (B) grenade, (C) rocket having a propellant charge of more than four ounces, (D) missile having an explosive or incendiary charge of more than one-quarter ounce, (E) mine, or (F) similar device; (2) any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than one-half inch in diameter, except a shotgun or shotgun shell which the Secretary or his delegate finds is generally recognized as particularly suitable for sporting purposes; and (3) any combination of parts either designed or intended for use in converting any device into a destructive device as defined in subparagraphs (1) and (2) and from which a destructive device may be readily assembled. The term ‘destructive device’ shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10 of the United States Code; or any other device which the Secretary of the Treasury or his delegate finds is not likely to be used as a weapon, or is an antique or is a rifle which the owner intends to use solely for sporting purposes.

70A Stat. 263.

“(g) **ANTIQUE FIREARM.**—The term ‘antique firearm’ means any firearm not designed or redesigned for using rim fire or conventional

center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

“(h) **UNSERVICEABLE FIREARM.**—The term ‘unserviceable firearm’ means a firearm which is incapable of discharging a shot by means of an explosive and incapable of being readily restored to a firing condition.

“(i) **MAKE.**—The term ‘make’, and the various derivatives of such word, shall include manufacturing (other than by one qualified to engage in such business under this chapter), putting together, altering, any combination of these, or otherwise producing a firearm.

“(j) **TRANSFER.**—The term ‘transfer’ and the various derivatives of such word, shall include selling, assigning, pledging, leasing, loaning, giving away, or otherwise disposing of.

“(k) **DEALER.**—The term ‘dealer’ means any person, not a manufacturer or importer, engaged in the business of selling, renting, leasing, or loaning firearms and shall include pawnbrokers who accept firearms as collateral for loans.

“(l) **IMPORTER.**—The term ‘importer’ means any person who is engaged in the business of importing or bringing firearms into the United States.

“(m) **MANUFACTURER.**—The term ‘manufacturer’ means any person who is engaged in the business of manufacturing firearms.

“SEC. 5846. OTHER LAWS APPLICABLE.

“All provisions of law relating to special taxes imposed by chapter 51 and to engraving, issuance, sale, accountability, cancellation, and distribution of stamps for tax payment shall, insofar as not inconsistent with the provisions of this chapter, be applicable with respect to the taxes imposed by sections 5801, 5811, and 5821.

“SEC. 5847. EFFECT ON OTHER LAWS.

“Nothing in this chapter shall be construed as modifying or affecting the requirements of section 414 of the Mutual Security Act of 1954, as amended, with respect to the manufacture, exportation, and importation of arms, ammunition, and implements of war.

“SEC. 5848. RESTRICTIVE USE OF INFORMATION.

“(a) **GENERAL RULE.**—No information or evidence obtained from an application, registration, or records required to be submitted or retained by a natural person in order to comply with any provision of this chapter or regulations issued thereunder, shall, except as provided in subsection (b) of this section, be used, directly or indirectly, as evidence against that person in a criminal proceeding with respect to a violation of law occurring prior to or concurrently with the filing of the application or registration, or the compiling of the records containing the information or evidence.

“(b) **FURNISHING FALSE INFORMATION.**—Subsection (a) of this section shall not preclude the use of any such information or evidence in a prosecution or other action under any applicable provision of law with respect to the furnishing of false information.

“SEC. 5849. CITATION OF CHAPTER.

“This chapter may be cited as the ‘National Firearms Act’ and any reference in any other provision of law to the ‘National Firearms Act’ shall be held to refer to the provisions of this chapter.

72 Stat. 1313.
26 USC 5001-
5692.
Post, p. 1235.

68 Stat. 848.
22 USC 1934.

“PART II—EXEMPTIONS

“Sec. 5851. Special (occupational) tax exemption.

“Sec. 5852. General transfer and making exemption.

“Sec. 5853. Exemption from transfer and making tax available to certain governmental entities and officials.

“Sec. 5854. Exportation of firearms exempt from transfer tax.

“SEC. 5851. SPECIAL (OCCUPATIONAL) TAX EXEMPTION.

“(a) BUSINESS WITH UNITED STATES.—Any person required to pay special (occupational) tax under section 5801 shall be relieved from payment of that tax if he establishes to the satisfaction of the Secretary or his delegate that his business is conducted exclusively with, or on behalf of, the United States or any department, independent establishment, or agency thereof. The Secretary or his delegate may relieve any person manufacturing firearms for, or on behalf of, the United States from compliance with any provision of this chapter in the conduct of such business.

“(b) APPLICATION.—The exemption provided for in subsection (a) of this section may be obtained by filing with the Secretary or his delegate an application on such form and containing such information as may by regulations be prescribed. The exemptions must thereafter be renewed on or before July 1 of each year. Approval of the application by the Secretary or his delegate shall entitle the applicant to the exemptions stated on the approved application.

Renewal.

“SEC. 5852. GENERAL TRANSFER AND MAKING TAX EXEMPTION.

“(a) TRANSFER.—Any firearm may be transferred to the United States or any department, independent establishment, or agency thereof, without payment of the transfer tax imposed by section 5811.

“(b) MAKING BY A PERSON OTHER THAN A QUALIFIED MANUFACTURER.—Any firearm may be made by, or on behalf of, the United States, or any department, independent establishment, or agency thereof, without payment of the making tax imposed by section 5821.

“(c) MAKING BY A QUALIFIED MANUFACTURER.—A manufacturer qualified under this chapter to engage in such business may make the type of firearm which he is qualified to manufacture without payment of the making tax imposed by section 5821.

“(d) TRANSFERS BETWEEN SPECIAL (OCCUPATIONAL) TAXPAYERS.—A firearm registered to a person qualified under this chapter to engage in business as an importer, manufacturer, or dealer may be transferred by that person without payment of the transfer tax imposed by section 5811 to any other person qualified under this chapter to manufacture, import, or deal in that type of firearm.

“(e) UNSERVICEABLE FIREARM.—An unserviceable firearm may be transferred as a curio or ornament without payment of the transfer tax imposed by section 5811, under such requirements as the Secretary or his delegate may by regulations prescribe.

“(f) RIGHT TO EXEMPTION.—No firearm may be transferred or made exempt from tax under the provisions of this section unless the transfer or making is performed pursuant to an application in such form and manner as the Secretary or his delegate may by regulations prescribe.

“SEC. 5853. TRANSFER AND MAKING TAX EXEMPTION AVAILABLE TO CERTAIN GOVERNMENTAL ENTITIES.

“(a) TRANSFER.—A firearm may be transferred without the payment of the transfer tax imposed by section 5811 to any State, possession of the United States, any political subdivision thereof, or any official police organization of such a government entity engaged in criminal investigations.

“(b) MAKING.—A firearm may be made without payment of the making tax imposed by section 5821 by, or on behalf of, any State, or

possession of the United States, any political subdivision thereof, or any official police organization of such a government entity engaged in criminal investigations.

“(c) **RIGHT TO EXEMPTION.**—No firearm may be transferred or made exempt from tax under this section unless the transfer or making is performed pursuant to an application in such form and manner as the Secretary or his delegate may by regulations prescribe.

“SEC. 5854. EXPORTATION OF FIREARMS EXEMPT FROM TRANSFER TAX.

“A firearm may be exported without payment of the transfer tax imposed under section 5811 provided that proof of the exportation is furnished in such form and manner as the Secretary or his delegate may by regulations prescribe.

“Subchapter C—Prohibited Acts

“SEC. 5861. PROHIBITED ACTS.

“It shall be unlawful for any person—

“(a) to engage in business as a manufacturer or importer of, or dealer in, firearms without having paid the special (occupational) tax required by section 5801 for his business or having registered as required by section 5802; or

“(b) to receive or possess a firearm transferred to him in violation of the provisions of this chapter; or

“(c) to receive or possess a firearm made in violation of the provisions of this chapter; or

“(d) to receive or possess a firearm which is not registered to him in the National Firearms Registration and Transfer Record; or

“(e) to transfer a firearm in violation of the provisions of this chapter; or

“(f) to make a firearm in violation of the provisions of this chapter; or

“(g) to obliterate, remove, change, or alter the serial number or other identification of a firearm required by this chapter; or

“(h) to receive or possess a firearm having the serial number or other identification required by this chapter obliterated, removed, changed, or altered; or

“(i) to receive or possess a firearm which is not identified by a serial number as required by this chapter; or

“(j) to transport, deliver, or receive any firearm in interstate commerce which has not been registered as required by this chapter; or

“(k) to receive or possess a firearm which has been imported or brought into the United States in violation of section 5844; or

“(l) to make, or cause the making of, a false entry on any application, return, or record required by this chapter, knowing such entry to be false.

“Subchapter D—Penalties and Forfeitures

“Sec. 5871. Penalties.

“Sec. 5872. Forfeitures.

“SEC. 5871. PENALTIES.

“Any person who violates or fails to comply with any provision of this chapter shall, upon conviction, be fined not more than \$10,000, or be imprisoned not more than ten years, or both, and shall become eligible for parole as the Board of Parole shall determine.

"SEC. 5872. FORFEITURES.

"(a) **LAWS APPLICABLE.**—Any firearm involved in any violation of the provisions of this chapter shall be subject to seizure and forfeiture, and (except as provided in subsection (b)) all the provisions of internal revenue laws relating to searches, seizures, and forfeitures of unstamped articles are extended to and made to apply to the articles taxed under this chapter, and the persons to whom this chapter applies.

"(b) **DISPOSAL.**—In the case of the forfeiture of any firearm by reason of a violation of this chapter, no notice of public sale shall be required; no such firearm shall be sold at public sale; if such firearm is forfeited for a violation of this chapter and there is no remission or mitigation of forfeiture thereof, it shall be delivered by the Secretary or his delegate to the Administrator of General Services, General Services Administration, who may order such firearm destroyed or may sell it to any State, or possession, or political subdivision thereof, or at the request of the Secretary or his delegate, may authorize its retention for official use of the Treasury Department, or may transfer it without charge to any executive department or independent establishment of the Government for use by it."

SEC. 202. The amendments made by section 201 of this title shall be cited as the "National Firearms Act Amendments of 1968".

SEC. 203. (a) Section 6107 of the Internal Revenue Code of 1954 is repealed.

(b) The table of sections for subchapter B of chapter 61 of the Internal Revenue Code of 1954 is amended by striking out:

"Sec. 6107. List of special taxpayers for public inspection."

SEC. 204. Section 6806 of the Internal Revenue Code of 1954 is amended to read as follows:

"SEC. 6806. OCCUPATIONAL TAX STAMPS.

"Every person engaged in any business, avocation, or employment, who is thereby made liable to a special tax (other than a special tax under subchapter B of chapter 35, under subchapter B of chapter 36, or under subtitle E) shall place and keep conspicuously in his establishment or place of business all stamps denoting payment of such special tax."

SEC. 205. Section 7273 of the Internal Revenue Code of 1954 is amended to read as follows:

"SEC. 7273. PENALTIES FOR OFFENSES RELATING TO SPECIAL TAXES.

"Any person who shall fail to place and keep stamps denoting the payment of the special tax as provided in section 6806 shall be liable to a penalty (not less than \$10) equal to the special tax for which his business rendered him liable, unless such failure is shown to be due to reasonable cause. If such failure to comply with section 6806 is through willful neglect or refusal, then the penalty shall be double the amount above prescribed."

SEC. 206. (a) Section 5692 of the Internal Revenue Code of 1954 is repealed.

(b) The table of sections for part V of subchapter J of chapter 51 of the Internal Revenue Code of 1954 is amended by striking out:

"Sec. 5692. Penalties relating to posting of special tax stamps."

SEC. 207. (a) Section 201 of this title shall take effect on the first day of the first month following the month in which it is enacted.

(b) Notwithstanding the provisions of subsection (a) or any other provision of law, any person possessing a firearm as defined in section 5845(a) of the Internal Revenue Code of 1954 (as amended by this title) which is not registered to him in the National Firearms Registra-

Citation of amendments.

Repeal.
68A Stat. 756.
26 USC 6107.

26 USC 4411-
4414, 4461- 4463,
5001-5862.

Repeal.
72 Stat. 1413.

Effective dates.

Ante, p. 1230.

tion and Transfer Record shall register each firearm so possessed with the Secretary of the Treasury or his delegate in such form and manner as the Secretary or his delegate may require within the thirty days immediately following the effective date of section 201 of this Act. Such registrations shall become a part of the National Firearms Registration and Transfer Record required to be maintained by section 5841 of the Internal Revenue Code of 1954 (as amended by this title). No information or evidence required to be submitted or retained by a natural person to register a firearm under this section shall be used, directly or indirectly, as evidence against such person in any criminal proceeding with respect to a prior or concurrent violation of law.

Ante, p. 1229.

Effective date.

(c) The amendments made by sections 202 through 206 of this title shall take effect on the date of enactment.

Publication in
Federal Register.

(d) The Secretary of the Treasury, after publication in the Federal Register of his intention to do so, is authorized to establish such periods of amnesty, not to exceed ninety days in the case of any single period, and immunity from liability during any such period, as the Secretary determines will contribute to the purposes of this title.

TITLE III—AMENDMENTS TO TITLE VII OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

Ante, p. 236.

SEC. 301. (a) Title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351) is amended—

(1) by striking out “other than honorably discharged” in section 1201, and substituting therefor “discharged under dishonorable conditions”; and

(2) by striking out “other than honorable conditions” in subsections (a) (2) and (b) (2) of section 1202 and substituting therefor in each instance “dishonorable conditions”.

“Felony.”

(b) Section 1202(c) (2) of such title is amended to read as follows:

“(2) ‘felony’ means any offense punishable by imprisonment for a term exceeding one year, but does not include any offense (other than one involving a firearm or explosive) classified as a misdemeanor under the laws of a State and punishable by a term of imprisonment of two years or less;”.

Effective date.

SEC. 302. The amendments made by paragraphs (1) and (2) of subsection (a) of section 301 shall take effect as of June 19, 1968.

Approved October 22, 1968.

Public Law 90-619

October 22, 1968
[H. R. 14095]

AN ACT

To amend the Internal Revenue Code of 1954 so as to make certain changes to facilitate the production of wine, and for other purposes.

Taxes.
Wine spirits.
72 Stat. 1382.
26 USC 5373.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 5373(a) of the Internal Revenue Code of 1954 (relating to wine spirits) is amended to read as follows: “The wine spirits authorized to be used in wine production shall be brandy or wine spirits produced in a distilled spirits plant (with or without the use of water to facilitate extraction and distillation) exclusively from—

“(1) fresh or dried fruit, or their residues,

“(2) the wine or wine residues therefrom, or

“(3) special natural wine under such conditions as the Secretary or his delegate may by regulations prescribe;

except that where, in the production of natural wine or special natural

wine, sugar has been used, the wine or the residuum thereof may not be used if the unfermented sugars therein have been re fermented."

SEC. 2. Clause (B) of section 5382(b) (2) of the Internal Revenue Code of 1954 (relating to specifically authorized treatments) is amended to read as follows: "(B) in the case of still wines, wine spirits may be added in any State only to natural wines produced by fermentation in bonded wine cellars located within the same State."

72 Stat. 1384;
79 Stat. 164.
26 USC 5382.

SEC. 3. (a) Subsection (b) of section 5383 of the Internal Revenue Code of 1954 (relating to high acid wines) is amended to read as follows:

79 Stat. 162.

"(b) HIGH ACID WINES.—

"(1) AMELIORATION.—Before, during, and after fermentation, ameliorating materials consisting of pure dry sugar or liquid sugar, water, or a combination of sugar and water, may be added to natural grape wines of a winemaker's own production when such wines are made from juice having a natural fixed acid content of more than five parts per thousand (calculated before fermentation and as tartaric acid). Ameliorating material so added shall not reduce the natural fixed acid content of the juice to less than five parts per thousand, nor exceed 35 percent of the volume of juice (calculated exclusive of pulp) and ameliorating material combined.

"(2) SWEETENING.—Any wine produced under this subsection may be sweetened by the producer thereof, after amelioration and fermentation, with pure dry sugar or liquid sugar if the total solids content of the finished wine does not exceed (A) 17 percent by weight if the alcoholic content is more than 14 percent by volume, or (B) 21 percent by weight if the alcoholic content is not more than 14 percent by volume. The use under this paragraph of liquid sugar shall be limited to cases where the resultant volume does not exceed the volume which could result from the maximum authorized use of pure dry sugar only.

"(3) WINE SPIRITS.—Wine spirits may be added (whether or not wine spirits were previously added) to wine produced under this subsection only if the wine contains not more than 14 percent of alcohol by volume derived from fermentation."

(b) Sections 5383(a) (relating to sweetening of grape wines), 5384(a) (relating to natural fruit and berry wines), and 5385(a) (relating to specially sweetened natural wines) of such Code are each amended by striking out "less than 14 percent" and inserting in lieu thereof "not more than 14 percent".

79 Stat. 162,
163.
72 Stat. 1386.

SEC. 4. Subsection (b) of section 5385 of the Internal Revenue Code of 1954 (relating to specially sweetened natural wines) is amended to read as follows:

"(b) CELLAR TREATMENT.—Specially sweetened natural wines may be blended with each other, or with natural wine or heavy bodied blending wine in the further production of specially sweetened natural wine only, if the wines so blended are made from the same kind of fruit. Wines produced under this section may be cellar treated under the provisions of section 5382 (a) and (c). Wine spirits may not be added to specially sweetened natural wine."

72 Stat. 1383.

SEC. 5. Section 5386(b), and the last sentence of section 5387(a), of the Internal Revenue Code of 1954 (relating to cellar treatment of special natural wines and agricultural wines) are each amended by striking out "as provided in section 5382(c)" and inserting in lieu thereof "under the provisions of section 5382 (a) and (c)".

SEC. 6. The amendments made by this Act shall take effect on the first day of the first month which begins 90 days or more after the date of the enactment of this Act.

Effective date.

Approved October 22, 1968.

Public Law 90-620

October 22, 1968
[H. R. 18612]

AN ACT

To enact title 44, United States Code, "Public Printing and Documents", codifying the general and permanent laws relating to public printing and documents.

Title 44, USC,
Public Printing
and Documents.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the general and permanent laws relating to public printing and documents are revised, codified, and enacted as title 44, United States Code, "Public Printing and Documents", and may be cited as "44 U.S.C. §", as follows:

TITLE 44—PUBLIC PRINTING AND DOCUMENTS

CHAPTER	Sec.
1. JOINT COMMITTEE ON PRINTING.....	101
3. GOVERNMENT PRINTING OFFICE.....	301
5. PRODUCTION AND PROCUREMENT OF PRINTING AND BINDING.....	501
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17. DISTRIBUTION AND SALE OF PUBLIC DOCUMENTS.....	1701
19. DEPOSITORY LIBRARY PROGRAM.....	1901
21. ARCHIVAL ADMINISTRATION.....	2101
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CHAPTER 1—JOINT COMMITTEE ON PRINTING

Sec.

- 101. Joint Committee on Printing: membership.
- 102. Joint Committee on Printing: succession; powers during recess.
- 103. Joint Committee on Printing: remedial powers.

§ 101. Joint Committee on Printing: membership

The Joint Committee on Printing shall consist of the chairman and two members of the Committee on Rules and Administration of the Senate and the chairman and two members of the Committee on House Administration of the House of Representatives.

§ 102. Joint Committee on Printing: succession; powers during recess

The members of the Joint Committee on Printing who are reelected to the succeeding Congress shall continue as members of the committee until their successors are chosen. The President of the Senate and the Speaker of the House of Representatives shall, on the last day of a Congress, appoint members of their respective Houses who have been elected to the succeeding Congress to fill vacancies which may then be about to occur on the Committee, and the appointees and members of the Committee who have been reelected shall continue until their successors are chosen.

When Congress is not in session, the Joint Committee may exercise all its powers and duties as when Congress is in session.

§ 103. Joint Committee on Printing: remedial powers

The Joint Committee on Printing may use any measures it considers necessary to remedy neglect, delay, duplication, or waste in the public printing and binding and the distribution of Government publications.

CHAPTER 3—GOVERNMENT PRINTING OFFICE

Sec.

- 301. Public Printer: appointment; bond.
- 302. Deputy Public Printer: appointment; duties.
- 303. Public Printer and Deputy Public Printer: compensation.
- 304. Public Printer: vacancy in office.
- 305. Public Printer: employees; pay.
- 306. Public Printer: employment of skilled workmen; trial of skill.
- 307. Public Printer: night work.
- 308. Disbursing officer: continuation and settlement of accounts during vacancy in office; responsibility for accounts; disbursements for Superintendent of Documents.
- 309. Revolving fund for operation and maintenance of Government Printing Office: capitalization; reimbursements and credits; accounting and budgeting; reports.
- 310. Payments for printing, binding, blank paper, and supplies.
- 311. Purchases exempt from the Federal Property and Administrative Services Act.
- 312. Machinery, material, equipment, or supplies from other Government agencies.
- 313. Examining boards: paper; bindery materials; machinery.
- 314. Inks, glues, and other supplies furnished to other Government agencies: payment.
- 315. Branches of Government Printing Office; limitations.
- 316. Detail of employees of Government Printing Office to other Government establishments.

§ 301. Public Printer: appointment; bond

The President of the United States shall nominate and, by and with the advice and consent of the Senate, appoint a suitable person, who must be a practical printer and versed in the art of bookbinding, to take charge of and manage the Government Printing Office. His title shall be Public Printer. He shall give bond approved by the Secretary of the Treasury in the sum of \$25,000 for the faithful performance of the duties of his office.

§ 302. Deputy Public Printer: appointment; duties

The Public Printer shall appoint a suitable person, who must be a practical printer and versed in the art of bookbinding, to be the Deputy Public Printer. He shall perform the duties formerly required of the chief clerk, supervise the buildings occupied by the Government Printing Office, and perform any other duties required of him by the Public Printer.

§ 303. Public Printer and Deputy Public Printer: compensation

The compensation of the Public Printer is at the rate of \$28,750 per annum, and the compensation of the Deputy Public Printer is at the rate of \$27,500 per annum.

§ 304. Public Printer: vacancy in office

In case of the death, resignation, absence, or sickness of the Public Printer, the Deputy Public Printer shall perform the duties of the Public Printer until a successor is appointed or his absence or sickness ceases; but the President may direct any other officer of the Government, whose appointment is vested in the President by and with the advice and consent of the Senate, to perform the duties of the vacant office until a successor is appointed, or the sickness or absence of the Public Printer ceases. A vacancy occasioned by death or resignation may not be filled temporarily under this section for longer than

ten days, and a temporary appointment, designation, or assignment of another officer may not be made except to fill a vacancy happening during a recess of the Senate.

§ 305. Public Printer: employees; pay

The Public Printer may employ journeymen, apprentices, laborers, and other persons necessary for the work of the Government Printing Office at rates of wages and salaries, including compensation for night and overtime work, he considers for the interest of the Government and just to the persons employed, except as otherwise provided by this section. He may not employ more persons than the necessities of the public work require nor more than two hundred apprentices at one time. The minimum pay of journeymen printers, pressmen, and bookbinders employed in the Government Printing Office shall be at the rate of 90 cents an hour for the time actually employed. Except as provided by the preceding part of this section the rate of wages, including compensation for night and overtime work, for more than ten employees of the same occupation shall be determined by a conference between the Public Printer and a committee selected by the trades affected, and the rates and compensation so agreed upon shall become effective upon approval by the Joint Committee on Printing. When the Public Printer and the committee representing a trade fail to agree as to wages, salaries, and compensation, either party may appeal to the Joint Committee on Printing, and the decision of the Joint Committee is final. The wages, salaries, and compensation so determined are not subject to change oftener than once a year.

§ 306. Public Printer: employment of skilled workmen; trial of skill

The Public Printer shall employ workmen who are thoroughly skilled in their respective branches of industry, as shown by trial of their skill under his direction.

§ 307. Public Printer: night work

The Public Printer shall cause the public printing in the Government Printing Office to be done at night as well as through the day, when the exigencies of the public service require it.

§ 308. Disbursing officer; continuation and settlement of accounts during vacancy in office; responsibility for accounts; disbursements for Superintendent of Documents

(a) Upon the death, resignation, or separation from office of the disbursing officer of the Government Printing Office, his accounts may be continued, and payments and collections may be made in his name, by the deputy disbursing officer or officers designated by the Public Printer, for a period of time not to extend beyond the last day of the second month following the month in which his death, resignation, or separation occurred. Accounts and payments shall be allowed, audited, and settled, and checks signed in the name of the former disbursing officer by a deputy disbursing officer shall be honored in the same manner as if the former disbursing officer had continued in office.

(b) A former disbursing officer of the Government Printing Office, his estate, or the surety on his official bond, may not be subject to any legal liability or penalty for the official accounts or defaults of a deputy disbursing officer acting in the name or in the place of the former disbursing officer. Each deputy disbursing officer is responsible for accounts entrusted to him under subsection (a) of this section, and the deputy disbursing officer and the sureties upon his bond are liable for any default occurring during his service under subsection (a) of this section.

(c) Disbursements on account of salaries or other expenses of the office of the Superintendent of Documents shall be made by the disbursing officer of the Government Printing Office, and a statement included in the Public Printer's annual report for each fiscal year.

§ 309. Revolving fund for operation and maintenance of Government Printing Office: capitalization; reimbursements and credits; accounting and budgeting; reports

(a) The revolving fund of \$1,000,000 established July 1, 1953, is available without fiscal year limitation, for—

the operation and maintenance of the Government Printing Office, except the Office of Superintendent of Documents, including rental of buildings;

attendance at meetings not to exceed \$3,000 in any fiscal year;

maintenance and operation of the emergency room;

uniforms, or allowances therefor, as authorized by section 5901 of Title 5;

boots, coats, and gloves;

repairs and minor alterations to buildings; and

expenses authorized in writing by the Joint Committee on Printing for inspection of Government printing activities.

In addition, the Public Printer shall provide capital for the fund by capitalizing, at fair and reasonable values as jointly determined by him and the Comptroller General, the current inventories, plant, and building appurtenances, except building structures and land, equipment, and other assets of the Government Printing Office.

(b) The fund shall be:

(1) reimbursed for the cost of all services and supplies furnished, including those furnished other appropriations of the Government Printing Office, at rates which include charges for overhead and related expenses, depreciation of plant and building appurtenances, except building structures and land, and equipment, and accrued leave;

(2) credited with all receipts including sales of Government publications, waste, condemned, and surplus property and with payments received for losses or damage to property; and

(3) charged with payment into miscellaneous receipts of the Treasury of that part of the receipts from the sales of Government publications required by law.

(c) An adequate system of accounts for the fund shall be maintained on the accrual method, and financial reports prepared on the basis of the accounts. The Public Printer shall prepare and submit an annual business-type budget program for the operations under this fund. The General Accounting Office shall audit the activities of the Government Printing Office and furnish an audit report annually to the Congress and the Public Printer. For these purposes the Comptroller General shall have such access to the records, files, personnel, and facilities of the Government Printing Office as he considers necessary.

(d) Commencing with the fiscal year 1969, the annual business-type budget for the fund shall be considered and enacted as prescribed by section 849 of title 31.

§ 310. Payments for printing, binding, blank paper, and supplies

An executive department or independent establishment of the Government ordering printing and binding or blank paper and supplies from the Government Printing Office shall pay promptly by check to the Public Printer upon his written request, either in advance or upon completion of the work, all or part of the estimated or actual

80 Stat. 508;
81 Stat. 206.

Report to
Congress and to
Public Printer.

61 Stat. 584.

cost, as the case may be, and bills rendered by the Public Printer are not subject to audit or certification in advance of payment. Adjustments on the basis of the actual cost of delivered work paid for in advance shall be made monthly or quarterly and as may be agreed by the Public Printer and the department or establishment concerned.

§ 311. Purchases exempt from the Federal Property and Administrative Services Act

Purchases may be made from appropriations under the "Government Printing Office" without reference to the Federal Property and Administrative Services Act, approved June 30, 1949, as amended, concerning purchases for the Federal Government.

63 Stat. 377.
40 USC 471
note.

§ 312. Machinery, material, equipment, or supplies from other Government agencies

An officer of the Government having machinery, material, equipment, or supplies for printing, binding, and blank-book work, including lithography, photolithography, and other processes of reproduction, no longer required or authorized for his service, shall submit a detailed report of them to the Public Printer. The Public Printer, with the approval of the Joint Committee on Printing, may requisition such articles as are serviceable in the Government Printing Office, and they shall be promptly delivered to that office.

§ 313. Examining boards: paper; bindery materials; machinery

The Deputy Public Printer, the superintendent of printing, and a person designated by the Joint Committee on Printing, shall constitute a board to examine and report in writing on paper delivered under contract, or by purchase or otherwise, at the Government Printing Office.

The Deputy Public Printer, the superintendent of binding, and a person designated by the Joint Committee on Printing shall constitute a board to examine and report in writing on material, except paper, for the use of the bindery.

The Deputy Public Printer, the superintendent of printing, and a person designated by the Joint Committee on Printing shall constitute a board of condemnation, who, upon the call of the Public Printer, shall determine the condition of presses and other machinery and material used in the Government Printing Office, with a view to condemnation.

§ 314. Inks, glues, and other supplies furnished to other Government agencies: payment

Inks, glues, and other supplies manufactured by the Government Printing Office in connection with its work may be furnished to departments and other establishments of the Government upon requisition, and payment made from appropriations available.

§ 315. Branches of Government Printing Office; limitations

Money appropriated by any Act may not be used for maintaining more than one branch of the Government Printing Office in any one building occupied by an executive department of the Government, and a branch of the Government Printing Office may not be established unless specifically authorized by law.

§ 316. Detail of employees of Government Printing Office to other Government establishments

An employee of the Government Printing Office may not be detailed to duties not pertaining to the work of public printing and binding in an executive department or other Government establishment unless expressly authorized by law.

CHAPTER 5—PRODUCTION AND PROCUREMENT OF PRINTING AND BINDING

Sec.

- 501. Government printing, binding, and blank-book work to be done at Government Printing Office.
- 502. Procurement of printing, binding, and blank-book work by Public Printer.
- 503. Printing in veterans' hospitals.
- 504. Direct purchase of printing, binding, and blank-book work by Government agencies.
- 505. Sale of duplicate plates; copyright.
- 506. Time for printing documents or reports which include illustrations or maps.
- 507. Orders for printing to be acted upon within one year.
- 508. Annual estimates of quantity of paper required for public printing and binding.
- 509. Standards of paper; advertisements for proposals; samples.
- 510. Specifications in advertisements for paper.
- 511. Opening bids; bonds.
- 512. Approval of paper contracts; time for performance; bonds.
- 513. Comparison of paper and envelopes with standard quality.
- 514. Determination of quality of paper.
- 515. Default of contractor; new contracts and purchase in open market.
- 516. Liability of defaulting contractor.
- 517. Purchase of paper in open market.

§ 501. Government printing, binding, and blank-book work to be done at Government Printing Office

All printing, binding, and blank-book work for Congress, the Executive Office, the Judiciary, other than the Supreme Court of the United States, and every executive department, independent office and establishment of the Government, shall be done at the Government Printing Office, except—

- (1) classes of work the Joint Committee on Printing considers to be urgent or necessary to have done elsewhere; and
- (2) printing in field printing plants operated by an executive department, independent office or establishment, and the procurement of printing by an executive department, independent office or establishment from allotments for contract field printing, if approved by the Joint Committee on Printing.

Printing or binding may be done at the Government Printing Office only when authorized by law.

§ 502. Procurement of printing, binding, and blank-book work by Public Printer

Printing, binding, and blank-book work authorized by law, which the Public Printer is not able or equipped to do at the Government Printing Office, may be produced elsewhere under contracts made by him with the approval of the Joint Committee on Printing.

§ 503. Printing in veterans' hospitals

Notwithstanding section 501 of this title, the Administrator of Veterans' Affairs may utilize the printing and binding equipment that the various hospitals and homes of the Veterans' Administration use for occupational therapy, for printing and binding which he finds advisable for the use of the Veterans' Administration.

§ 504. Direct purchase of printing, binding, and blank-book work by Government agencies

The Joint Committee on Printing may permit the Public Printer to authorize an executive department, independent office, or establishment of the Government to purchase direct for its use such printing, binding, and blank-book work, otherwise authorized by law, as the Government Printing Office is not able or suitably equipped to execute or as may be more economically or in the better interest of the Government executed elsewhere.

§ 505. Sale of duplicate plates; copyright

The Public Printer shall sell, under regulations of the Joint Committee on Printing, to persons who may apply, additional or duplicate stereotype or electrottype plates from which a Government publication is printed, at a price not to exceed the cost of composition, the metal, and making to the Government, plus 10 percent, and the full amount of the price shall be paid when the order is filed. A publication reprinted from these plates and other Government publications may not be copyrighted.

§ 506. Time for printing documents or reports which include illustrations or maps

A document or report to be illustrated or accompanied by maps may not be printed by the Public Printer until the illustrations or maps designed for it are ready for publication.

§ 507. Orders for printing to be acted upon within one year

An order for public printing may not be acted upon by the Public Printer after the expiration of one year unless the entire copy and illustrations for the work have been furnished within that period.

§ 508. Annual estimates of quantity of paper required for public printing and binding

At the beginning of each session of Congress, the Public Printer shall submit to the Joint Committee on Printing estimates of the quantity of paper of all descriptions required for the public printing and binding during the ensuing year.

§ 509. Standards of paper; advertisements for proposals; samples

The Joint Committee on Printing shall fix upon standards of paper for the different descriptions of public printing and binding, and the Public Printer, under their direction, shall advertise in six newspapers or trade journals, published in different cities, for sealed proposals to furnish the Government with paper, as specified in the schedule to be furnished applicants by the Public Printer, setting forth in detail the quality and quantities required for the public printing. The Public Printer shall furnish samples of the standard of papers fixed upon to applicants who desire to bid.

§ 510. Specifications in advertisements for paper

The advertisements for proposals shall specify the minimum portion of each quality of paper required for either three months, six months, or one year, as the Joint Committee on Printing determines; but when the minimum portion so specified exceeds, in any case, one thousand reams, it shall state that proposals will be received for one thousand reams or more.

§ 511. Opening bids; bonds

The sealed proposals to furnish paper and envelopes shall be opened in the presence of the Joint Committee on Printing who shall award the contracts to the lowest and best bidder for the interest of the Government. The committee may not consider a proposal that is not accompanied by a bond with security or certified check in the amount of \$5,000, guaranteeing that the bidder if his proposal is accepted, will enter into a formal contract with the United States to furnish the paper or envelopes specified. The Committee may not consider a proposal from a person unknown to it unless accompanied by satisfactory evidence that he is a manufacturer of or dealer in the description of paper or envelopes proposed to be furnished.

§ 512. Approval of paper contracts; time for performance; bonds

A contract for furnishing paper is not valid until approved by the Joint Committee on Printing. The award of a contract for furnishing

paper shall designate a reasonable time for its performance. The contractor shall give bond in an amount fixed and approved by the Committee.

§ 513. Comparison of paper and envelopes with standard quality

The Public Printer shall compare every lot of paper and envelopes delivered by a contractor with the standard of quality fixed upon by the Joint Committee on Printing, and may not accept paper or envelopes which do not conform to it in every particular. A lot of delivered paper or envelopes which does not conform to the standard of quality may be accepted by the Committee at a discount that in its opinion is sufficient to protect the interests of the Government.

§ 514. Determination of quality of paper

The Joint Committee on Printing shall determine differences of opinion between the Public Printer and a contractor for paper respecting the paper's quality; and the decision of the Committee is final as to the United States.

§ 515. Default of contractor; new contracts and purchase in open market

If a contractor fails to comply with his contract, the Public Printer shall report the default to the Joint Committee on Printing, and under its direction, enter into a new contract with the lowest, best, and most responsible bidder for the interest of the Government among those whose proposals were rejected at the last opening of bids, or he shall advertise for new proposals, under the regulations provided by sections 509–517 of this title. During the interval that may thus occur he may, under the direction of the Joint Committee on Printing, purchase in open market, at the lowest market price, paper necessary for the public printing.

§ 516. Liability of defaulting contractor

Upon failure to furnish paper, a contractor and his sureties shall be responsible for any increase of cost to the Government in procuring a supply of the paper consequent upon his default. The Public Printer shall report every default, with a full statement of all the facts in the case, to the General Counsel for the Department of the Treasury, who shall prosecute the defaulting contractor and his sureties upon their bond in the district court of the United States in the district in which the defaulting contractor resides.

§ 517. Purchase of paper in open market

The Joint Committee on Printing may authorize the Public Printer to purchase paper in open market when they consider the quantity required so small or the want so immediate as not to justify advertisement for proposals.

CHAPTER 7—CONGRESSIONAL PRINTING AND BINDING

Sec.

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§ 701. "Usual number" of documents and reports; distribution of House and Senate documents and reports; binding; reports on private bills; number of copies printed; distribution

(a) The order by either House of Congress to print a document or report shall signify the "usual number" of copies for binding and distribution among those entitled to receive them. A greater number may not be printed unless ordered by either House, or as provided by this section. When a special number of a document or report is ordered printed, the usual number shall also be printed, unless already ordered.

(b) The "usual number" of documents and reports shall be one thousand six hundred and eighty-two copies, which shall be printed at one time and distributed as follows:

Of the House documents and reports, unbound—to the Senate document room, one hundred and fifty copies; to the office of the Secretary of the Senate, ten copies; to the House document room, not to exceed five hundred copies; to the office of the Clerk of the House of Representatives, twenty copies; to the Library of Congress, ten copies, as provided by section 1718 of this title.

Of the Senate documents and reports, unbound—to the Senate document room, two hundred and twenty copies; office of the Secretary of the Senate, ten copies; to the House document room, not to exceed five hundred copies; to the Clerk's office of the House of Representatives, ten copies; to the Library of Congress, ten copies, as provided by section 1718 of this title.

(c) Of the number printed, the Public Printer shall bind a sufficient number of copies for distribution as follows:

Of the House documents and reports, bound—to the Senate library, fifteen copies; to the Library of Congress, not to exceed one hundred and fifty copies, as provided by section 1718 of this title; to the House of Representatives library, fifteen copies; to the Superintendent of Documents, as many copies as are required for distribution to the State libraries and designated depositories.

Of the Senate documents and reports, bound—to the Senate library, fifteen copies; to the Library of Congress, copies as provided by sections 1718 and 1719 of this title; to the House of Representatives library, fifteen copies; to the Superintendent of Documents, as many copies as may be required for distribution to State libraries and designated depositories. In binding documents the Public Printer shall give precedence to those that are to be distributed to libraries and to designated depositories. But a State library or designated depository entitled to documents that may prefer to have its documents in unbound form, may do so by notifying the Superintendent of Documents to that effect prior to the convening of each Congress.

(d) The usual number of reports on private bills, concurrent or simple resolutions, may not be printed. Instead there shall be printed of each Senate report on a private bill, simple or concurrent resolution, in addition to those required to be furnished the Library of Congress, three hundred and forty-five copies, which shall be distributed as follows: to the Senate document room, two hundred and twenty copies; to the Secretary of the Senate, fifteen copies; to the House document room, one hundred copies; to the Superintendent of Documents, ten copies; and of each House report on a private bill, simple or concurrent resolution, in addition to those for the Library of Congress, two hundred and sixty copies, which shall be distributed as follows: to the Senate document room, one hundred and thirty-five copies; to the Secretary of the Senate, fifteen copies; to the House document room, one hundred copies; to the Superintendent of Documents, ten copies.

This section does not prevent the binding of all Senate and House reports in the reserve volumes bound for and delivered to the Senate and House libraries, nor abridge the right of the Vice President, Senators, Representatives, Resident Commissioner, Secretary of the Senate, and Clerk of the House to have bound in half morocco, or material not more expensive, one copy of every public document to which he may be entitled. At least twelve copies of each report on bills for the payment or adjudication of claims against the Government shall be kept on file in the Senate document room.

§ 702. Extra copies of documents and reports

Copies in addition to the "usual number" of documents and reports shall be printed promptly when ready for publication, and may be bound in paper or cloth as the Joint Committee on Printing directs.

§ 703. Printing extra copies

Orders for printing copies in addition to the "usual number", otherwise than provided for by this section, shall be by simple, concurrent, or joint resolution. Either House may print extra copies to the amount of \$1,200 by simple resolution; if the cost exceeds that sum, the printing shall be ordered by concurrent resolution, unless the resolution is self-appropriating, when it shall be by joint resolution. Resolutions, when presented to either House, shall be referred to the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate, who, in making their report, shall give the probable cost of the proposed printing upon the estimate of the Public Printer; and extra copies may not be printed before the committee has reported. The printing of addi-

tional copies may be performed upon orders of the Joint Committee on Printing within a limit of \$700 in cost in any one instance.

§ 704. Reprinting bills, laws, and reports from committees not exceeding fifty pages

When the supply is exhausted, the Secretary of the Senate and the Clerk of the House of Representatives may order the reprinting of not more than one thousand copies of a pending bill, resolution, or public law, not exceeding fifty pages, or a report from a committee or congressional commission on pending legislation not accompanied by testimony or exhibits or other appendices and not exceeding fifty pages. The Public Printer shall require each requisition for reprinting to cite the specific authority of law for its execution.

§ 705. Duplicate orders to print

The Public Printer shall examine the orders of the Senate and House of Representatives for printing, and in case of duplication shall print under the first order received.

§ 706. Bills and resolutions: number and distribution

There shall be printed of each Senate and House public bill and joint resolution six hundred and twenty-five copies, which shall be distributed as follows:

- to the Senate document room, two hundred and twenty-five copies;
- to the office of Secretary of Senate, fifteen copies;
- to the House document room, three hundred and eighty-five copies.

There shall be printed of each Senate private bill, when introduced, when reported, and when passed, three hundred copies, which shall be distributed as follows:

- to the Senate document room, one hundred and seventy copies;
- to the Secretary of the Senate, fifteen copies;
- to the House document room, one hundred copies;
- to the Superintendent of Documents, ten copies.

There shall be printed of each House private bill, when introduced, when reported, and when passed, two hundred and sixty copies, which shall be distributed as follows:

- to the Senate document room, one hundred and thirty-five copies;
- to the Secretary of the Senate, fifteen copies;
- to the House document room, one hundred copies;
- to the Superintendent of Documents, ten copies.

Bills and resolutions shall be printed in bill form, and, unless specially ordered by either House shall be printed only when referred to a committee, when favorably reported back, and after their passage by either House.

Of concurrent and simple resolutions, when reported, and after their passage by either House, only two hundred and sixty copies shall be printed, except by special order, and shall be distributed as follows:

- to the Senate document room, one hundred and thirty-five copies;
- to the Secretary of the Senate, fifteen copies;
- to the House document room, one hundred copies;
- to the Superintendent of Documents, ten copies.

§ 707. Bills and resolutions: style and form

Subject to sections 205 and 206 of Title 1, the Joint Committee on Printing may authorize the printing of a bill or resolution, with index and ancillaries, in the style and form the Joint Committee on Printing considers most suitable in the interest of economy and efficiency, and

to so continue until final enactment in both Houses of Congress. The committee may also curtail the number of copies of bills or resolutions, including the slip form of a public Act or public resolution.

§ 708. Bills and resolutions: binding sets for Congress

The Public Printer shall bind four sets of Senate and House of Representatives bills, joint and concurrent resolutions of each Congress, two for the Senate and two for the House, to be furnished him from the files of the Senate and House document room, the volumes when bound to be kept there for reference.

§ 709. Public and private laws, postal conventions, and treaties

The Public Printer shall print in slip form copies of public and private laws, postal conventions, and treaties, to be charged to the congressional allotment for printing and binding. The Joint Committee on Printing shall control the number and distribution of copies.

§ 710. Copies of Acts furnished to Public Printer

The Administrator of General Services shall furnish to the Public Printer a copy of every Act and joint resolution, as soon as possible after its approval by the President, or after it has become a law under the Constitution without his approval.

§ 711. Printing Acts, joint resolutions, and treaties

The Public Printer, on receiving from the Administrator of General Services a copy of an Act or joint resolution, or from the Secretary of State, a copy of a treaty, shall print an accurate copy and transmit it in duplicate to the Administrator of General Services or to the Secretary of State, as the case may be, for revision. On the return of one of the revised duplicates, he shall make the marked corrections and print the number specified by section 709 of this title.

§ 712. Printing of postal conventions

The Public Printer, on receiving from the Postmaster General a copy of a postal convention between the Postmaster General, on the part of the United States, and an equivalent officer of a foreign government, shall print an accurate copy and transmit it in duplicate to the Postmaster General. On the return of one of the revised duplicates, he shall make the marked corrections and print the number specified by section 709 of this title.

§ 713. Journals of Houses of Congress

There shall be printed of the Journals of the Senate and House of Representatives eight hundred and twenty-two copies, which shall be distributed as follows:

- to the Senate document room, ninety copies for distribution to Senators, and twenty-five additional copies;

- to the Senate library, ten copies;

- to the House document room, three hundred and sixty copies for distribution to Members, and twenty-five additional copies;

- to the Department of State, four copies;

- to the Superintendent of Documents, one hundred and forty-four copies to be distributed to three libraries in each of the States to be designated by the Superintendent of Documents;

- to the Court of Claims, two copies; and

- to the library of the House of Representatives, ten copies.

The remaining number of the Journals of the Senate and House of Representatives, consisting of twenty-five copies, shall be furnished to the Secretary of the Senate and the Clerk of the House of Representatives, respectively, as the necessities of their respective offices require, as rapidly as signatures are completed for distribution.

§ 714. Printing documents for Congress in two or more editions; printing of full number and allotment of full quota

The Joint Committee on Printing shall establish rules to be observed by the Public Printer, by which public documents and reports printed for Congress, or either House, may be printed in two or more editions, to meet the public requirements. The aggregate of the editions may not exceed the number of copies otherwise authorized. This section does not prevent the printing of the full number of a document or report, or the allotment of the full quota to Senators and Representatives, as otherwise authorized, when a legitimate demand for the full complement is known to exist.

§ 715. Senate and House documents and reports for Department of State

The Public Printer shall print, in addition to the usual number, and furnish the Department of State twenty copies of each Senate and House of Representatives document and report.

§ 716. Printing of documents not provided for by law

Either House may order the printing of a document not already provided for by law, when accompanied by an estimate from the Public Printer as to the probable cost. An executive department, bureau, board, or independent office of the Government submitting reports or documents in response to inquiries from Congress shall include an estimate of the probable cost of printing to the usual number. This section does not apply to reports or documents not exceeding fifty pages.

§ 717. Appropriation chargeable for printing of document or report by order of Congress

The cost of the printing of a document or report printed by order of Congress which, under section 1107 of this title, cannot be properly charged to another appropriation or allotment of appropriation already made, upon order of the Joint Committee on Printing, shall be charged to the allotment of appropriation for printing and binding for Congress.

§ 718. Lapse of authority to print

The authority to print a document or report, or a publication authorized by law to be printed, for distribution by Congress, shall lapse when the whole number of copies has not been ordered within two years from the date of the original order, except orders for subsequent editions, approved by the Joint Committee on Printing, in which case the whole number may not exceed that originally authorized by law.

§ 719. Classification and numbering of publications ordered printed by Congress; designation of publications of departments; printing of committee hearings

Publications ordered printed by Congress, or either House, shall be in four series, namely:

- one series of reports made by the committees of the Senate, to be known as Senate reports;
- one series of reports made by the committees of the House of Representatives, to be known as House reports;
- one series of documents other than reports of committees, the orders for printing which originate in the Senate, to be known as Senate documents, and
- one series of documents other than committee reports, the orders for printing which originate in the House of Representatives, to be known as House documents.

The publications in each series shall be consecutively numbered, the numbers in each series continuing in unbroken sequence throughout the entire term of a Congress, but these provisions do not apply to the documents printed for the use of the Senate in executive session. Of the "usual number", the copies which are intended for distribution to State libraries and other designated depositories of annual or serial publications originating in or prepared by an executive department, bureau, office, commission, or board may not be numbered in the document or report series of either House of Congress, but shall be designated by title and bound as provided by section 738 of this title; and the departmental edition, if any, shall be printed concurrently with the "usual number". Hearings of committees may be printed as congressional documents only when specifically ordered by Congress or either House.

§ 720. Senate and House Manuals

Each House may order printed as many copies as it desires, of the Senate Manual and of the Rules and Manual of the House of Representatives, even though the cost exceed \$500.

§ 721. Congressional Directory

There shall be prepared under the direction of the Joint Committee on Printing a Congressional Directory, of which there shall be three editions during each first session and two editions during each second regular session of Congress. The first edition shall be distributed to Senators, Representatives, the principal officers of Congress, and heads of departments on the first day of the session, and shall be ready for distribution to others within one week thereafter. The Joint Committee shall control the number and distribution of the directory. Copies delivered to Senators and Representatives for distribution shall be bound in cloth.

§ 722. Congressional Directory: sale

The Public Printer, under the direction of the Joint Committee on Printing, may print the current Congressional Directory for sale at a price sufficient to reimburse the expense of printing. The money derived from sales shall be paid into the Treasury and accounted for in his annual report to Congress, and sales may not be made on credit.

§ 723. Memorial addresses: preparation; distribution

After the final adjournment of each session of Congress, there shall be compiled, prepared, printed with illustrations, and bound in cloth in one volume, in the style, form, and manner directed by the Joint Committee on Printing, without extra compensation to any employee, the legislative proceedings of Congress and the exercises at the general memorial services held in the House of Representatives during each session relative to the death of a Member of Congress, together with all relevant memorial addresses and eulogies published in the Congressional Record during the same session of Congress, and any other matter the Joint Committee considers relevant; and there shall be printed as many copies as needed to supply the total quantity provided for by this section, of which fifty copies, bound in full morocco, with gilt edges, suitably lettered as may be requested, shall be delivered to the family of the deceased, and the remaining copies shall be distributed as follows:

of all eulogies on deceased Members of Congress to the Vice President and each Senator, Representative, and Resident Commissioner in Congress, one copy;

of the eulogies on deceased Senators there shall be furnished two hundred and fifty copies for each Senator of the State repre-

sent by the deceased and twenty copies for each Representative from that State;

of the eulogies on a deceased Representative and Resident Commissioner two hundred and fifty copies for his successor in office; twenty copies for each of the other Representatives, or Resident Commissioner of the State, or insular possession represented by the deceased; and twenty copies for each Senator from that State.

The "usual number" of memorial addresses may not be printed.

§ 724. Memorial addresses: illustrations

The illustrations to accompany bound copies of memorial addresses delivered in Congress shall be made at the Bureau of Engraving and Printing and paid for out of the appropriation for that bureau, or, in the discretion of the Joint Committee on Printing, shall be obtained elsewhere by the Public Printer and charged to the allotment for printing and binding for Congress.

§ 725. Statement of appropriations; "usual number"

Of the statements of appropriations required to be prepared by section 105 of Title 2, there shall be printed, after the close of each regular session of Congress, the usual number of copies.

§ 726. Printing for committees of Congress

A committee of Congress may not procure the printing of more than one thousand copies of a hearing, or other document germane thereto, for its use except by simple, concurrent, or joint resolution, as provided by section 703 of this title.

§ 727. Committee reports: indexing and binding

The Secretary of the Senate and the Clerk of the House of Representatives shall procure and file for the use of their respective House copies of all reports made by committees, and at the close of each session of Congress shall have the reports indexed and bound, one copy to be deposited in the library of each House and one copy in the committee from which the report emanates.

§ 728. United States Statutes at Large: distribution

The Public Printer, after the final adjournment of each regular session of Congress, shall print and bind copies of the United States Statutes at Large, to be charged to the congressional allotment for printing and binding. The Joint Committee on Printing shall control the number and distribution of the copies.

The Public Printer shall print and, after the end of each calendar year, bind and deliver to the Superintendent of Documents a number of copies of the United States Treaties and Other International Agreements not exceeding the number of copies of the United States Statutes at Large required for distribution in the manner provided by law.

§ 729. United States Statutes at Large: references in margins

The Administrator of General Services shall include in the references in margins of the United States Statutes at Large the number of the bill or joint resolution (designating S. for Senate bill, H.R. for House bill, S.J. Res. for Senate joint resolution and H.J. Res. for House joint resolutions, as the case may be) under which each Act was approved and became a law, the reference in the margins to be placed within brackets immediately under the date of the approval of the Act at the beginning of each Act as printed beginning with Volume 32 of the United States Statutes at Large.

§ 730. Distribution of documents to Members of Congress

When, in the division among Senators, and Representatives, of documents printed for the use of Congress there is an apportionment to each or either House in round numbers, the Public Printer may not deliver the full number so accredited at the Senate Service Department and House of Representatives Publications Distribution Service, but only the largest multiple of the number constituting the full membership of that House, including the Secretary and Sergeant at Arms of the Senate and Clerk, Sergeant at Arms, and Doorkeeper of the House, which is contained in the round numbers thus accredited to that House, so that the number delivered divides evenly and without remainder among the Members of the House to which they are delivered; and the remainder of the documents thus resulting shall be turned over to the Superintendent of Documents, to be distributed by him, first, to public and school libraries for the purpose of completing broken sets; second, to public and school libraries that have not been supplied with any portions of the sets, and, lastly, by sale to other persons; the libraries to be named to him by Senators and Representatives; and in this distribution the Superintendent of Documents, as far as practicable, shall make an equal allowance to each Senator and Representative.

§ 731. Allotments of public documents printed after expiration of terms of Members of Congress; rights of retiring Members to documents

The Congressional allotment of public documents, other than the Congressional Record, printed after the expiration of the term of office of the Vice President of the United States, or Senator, Representative, or Resident Commissioner, shall be delivered to his successor in office.

Unless the Vice President of the United States, a Senator, Representative, or Resident Commissioner, having public documents to his credit at the expiration of his term of office takes them prior to the 30th day of June next following the date of expiration, he shall forfeit them to his successor in office.

§ 732. Time for distribution of documents by Members of Congress extended

Reelected Members may distribute public documents to their credit, or the credit of their respective districts in the Interior or other Departments and bureaus, and in the Government Printing Office, during their successive terms and until their right to frank documents ends.

§ 733. Documents and reports ordered by Members of Congress; franks and envelopes for Members of Congress

The Public Printer on order of a Member of Congress, on prepayment of the cost, may reprint documents and reports of committees together with the evidence papers submitted, or any part ordered printed by the Congress.

He may also furnish without cost to Members and the Resident Commissioner from Puerto Rico, blank franks printed on sheets and perforated, or singly at their option, for public documents. Franks shall contain in the upper left-hand corner the following words: "Public document. Free. United States Senate" or "House of Representatives U.S." and in upper right-hand corner the letters "U. S. S." or "M. C." But he may not print any other words except where it is desirable to affix the official title of a document. Other words printed on franks shall be at the personal expense of the Member or Resident Commissioner ordering them.

At the request of a Member of Congress or Resident Commissioner the Public Printer may print upon franks or envelopes used for mail-

ing public documents the facsimile signature of the Member or Resident Commissioner and a special request for return if not called for, and the name of the State or Commonwealth and county and city. The Member or Resident Commissioner shall deposit with his order the extra expense involved in printing these additional words.

The Public Printer may also, at the request of a Member or Resident Commissioner, print on envelopes authorized to be furnished, the name of the Member or Resident Commissioner, and State or Commonwealth, the date, and the topic or subject matter, not exceeding twelve words.

The Public Printer shall deposit moneys accruing under this section in the Treasury of the United States to the credit of the appropriation made for the working capital of the Government Printing Office for the year in which the work is done. He shall account for them in his annual report to Congress.

§ 734. Stationery and blank books for Congress

Upon requisition of the Secretary of the Senate and the Clerk of the House of Representatives, respectively, the Public Printer shall furnish stationery, blank books, tables, forms, and other necessary papers preparatory to congressional legislation, required for the official use of the Senate and the House of Representatives, or their committees and officers. This does not prevent the purchase by the officers of the Senate and House of Representatives of stationery and blank books necessary for sale to Senators and Members in the stationery rooms of the two Houses as provided by law.

§ 735. Binding for Members of Congress

Each Member of Congress is entitled to the binding in half morocco, or material not more expensive, of one copy of each public document to which he is entitled, an account of which shall be kept by the Secretary of the Senate and Clerk of the House of Representatives, respectively.

§ 736. Binding at expense of Members of Congress

The Public Printer may bind at the Government Printing Office books, maps, charts, or documents published by authority of Congress, upon application of a Member of Congress, and payment of the actual cost of binding.

§ 737. Binding for Senate library

The Secretary of the Senate may make requisition upon the Public Printer for the binding for the Senate library of books he considers necessary, at a cost not to exceed \$200 per year.

§ 738. Binding of publications for distribution to libraries

The Public Printer shall supply the Superintendent of Documents with sufficient copies of publications distributed in unbound form, to be bound and distributed to the State libraries and other designated depositories for their permanent files. Every publication of sufficient size on any one subject shall be bound separately and receive the title suggested by the subject of the volume, and the others shall be distributed in unbound form as soon as printed. The library edition, as well as all other bound sets of congressional numbered documents and reports, shall be arranged in volumes and bound in the manner directed by the Joint Committee on Printing.

§ 739. Senate and House document rooms; superintendents

There shall be one document room of the Senate and one of the House of Representatives, to be designated, respectively, the "Senate and House document room." Each shall be in charge of a superintend-

ent, who shall be appointed by the Secretary of the Senate and the Doorkeeper of the House, respectively, together with the necessary assistants. The Senate document room shall be under the jurisdiction of the Secretary of the Senate.

§ 740. Senate Service Department and House Publications Distribution Service; superintendents

There shall be a Senate Service Department and a House of Representatives Publications Distribution Service in the charge of superintendents, appointed respectively by the Sergeant at Arms of the Senate and Doorkeeper of the House, together with the necessary assistants. Reports or documents to be distributed for the Senators and Representatives shall be folded and distributed from the Senate Service Department and House of Representatives Publications Distribution Service, unless otherwise ordered, and the respective superintendent shall notify each Senator and Representative in writing once every sixty days of the number and character of publications on hand and assigned to him for use and distribution.

§ 741. Disposition of documents stored at Capitol

The Secretary and Sergeant at Arms of the Senate and the Clerk and Doorkeeper of the House of Representatives, at the convening in regular session of each successive Congress shall cause an invoice to be made of public documents stored in and about the Capitol, other than those belonging to the quota of Members of Congress, to the Library of Congress and the Senate and House libraries and document rooms. The superintendents of the Senate Service Department and House of Representatives Publications Distribution Service shall put the documents to the credit of Senators and Representatives in quantities equal in the number of volumes and as nearly as possible in value, to each Member of Congress, and the documents shall be distributed upon the orders of Senators and Representatives, each of whom shall be supplied by the superintendents of the Senate Service Department and House of Representatives Publications Distribution Service with a list of the number and character of the publications thus put to his credit, but before apportionment is made copies of any of these documents desired for the use of a committee of either House shall be delivered to the chairman of the committee.

Four copies of leather-bound documents shall be reserved and carefully stored, to be used in supplying deficiencies in the Senate and House libraries caused by wear or loss.

CHAPTER 9—CONGRESSIONAL RECORD

Sec.

901. Congressional Record: arrangement, style, contents, and indexes.

902. Congressional Record: indexes.

903. Congressional Record: daily and permanent forms.

904. Congressional Record: maps; diagrams; illustrations.

905. Congressional Record: additional insertions.

906. Congressional Record: gratuitous copies; delivery; subscriptions.

907. Congressional Record: extracts for Members of Congress; mailing envelopes.

908. Congressional Record: payment for printing extracts or other documents.

909. Congressional Record: exchange for Parliamentary Hansard.

910. Congressional Record: sale of current numbers and bound sets.

§ 901. Congressional Record: arrangement, style, contents, and indexes

The Joint Committee on Printing shall control the arrangement and style of the Congressional Record, and while providing that it shall be substantially a verbatim report of proceedings, shall take all needed action for the reduction of unnecessary bulk. It shall provide for the

publication of an index of the Congressional Record semimonthly during and at the close of sessions of Congress.

§ 902. Congressional Record: indexes

The Joint Committee on Printing shall designate to the Public Printer competent persons to prepare the semimonthly and the session index to the Congressional Record and shall fix the compensation to be paid by the Public Printer for that work, and direct the form and manner of its publication and distribution.

§ 903. Congressional Record: daily and permanent forms

The public proceedings of each House of Congress as reported by the Official Reporters, shall be printed in the Congressional Record, which shall be issued in daily form during each session and shall be revised, printed, and bound promptly, as directed by the Joint Committee on Printing, in permanent form, for distribution during and after the close of each session of Congress. The daily and the permanent Record shall bear the same date, which shall be that of the actual day's proceedings reported. The "usual number" of the Congressional Record may not be printed.

§ 904. Congressional Record: maps; diagrams; illustrations

Maps, diagrams, or illustrations may not be inserted in the Record without the approval of the Joint Committee on Printing.

§ 905. Congressional Record: additional insertions

The Joint Committee on Printing shall provide for printing in the daily Record the legislative program for the day together with a list of congressional committee meetings and hearings, and the place of meeting and subject matter. It shall cause a brief résumé of congressional activities for the previous day to be incorporated in the Record, together with an index of its contents prepared under the supervision of the Secretary of the Senate and the Clerk of the House of Representatives, respectively.

§ 906. Congressional Record: gratuitous copies; delivery; subscriptions

The Public Printer shall furnish the Congressional Record only as follows:

of the bound edition—

to the Senate Service Department five copies for the Vice President and each Senator;

to the Secretary and Sergeant at Arms of the Senate, each, two copies;

to the Joint Committee on Printing not to exceed one hundred copies;

to the House of Representatives Publications Distribution Service, three copies for each Representative and Resident Commissioner in Congress; and

to the Clerk, Sergeant at Arms, and Doorkeeper of the House of Representatives, each, two copies;

of the daily edition—

to the Vice President and each Senator, one hundred copies;

to the Secretary and Sergeant at Arms of the Senate, each, twenty-five copies;

to the Secretary, for official use, not to exceed thirty-five copies; and

to the Sergeant at Arms for use on the floor of the Senate, not to exceed fifty copies;

to each Representative, and Resident Commissioner in Congress, sixty-eight copies;

to the Clerk, Sergeant at Arms, and Doorkeeper of the House of Representatives, each, twenty-five copies;

to the Clerk, for official use, not to exceed fifty copies, and to the Doorkeeper for use on the floor of the House of Representatives, not to exceed seventy-five copies;

to the Vice President and each Senator, Representative, and Resident Commissioner in Congress (and not transferable) three copies of which one shall be delivered at his residence, one at his office, and one at the Capitol.

In addition to the foregoing the Congressional Record shall also be furnished as follows:

In unstitched form, and held in reserve by the Public Printer, as many copies of the daily Record as may be required to supply a semi-monthly edition, bound in paper cover together with each semimonthly index when it is issued, and then be delivered promptly as follows:

to each committee and commission of Congress, one daily and one semimonthly copy;

to each joint committee and joint commission in Congress, as may be designated by the Joint Committee on Printing, two copies of the daily, one semimonthly copy, and one bound copy;

to the Secretary and the Sergeant at Arms of the Senate, for office use, each, six semimonthly copies;

to the Clerk, Sergeant at Arms, and Doorkeeper of the House, for office use, each, six semimonthly copies;

to the Joint Committee on Printing, ten semimonthly copies;

to the Vice President and each Senator, Representative, and Resident Commissioner in Congress, one semimonthly copy;

to the President of the United States, for the use of the Executive Office, ten copies of the daily, two semimonthly copies, and one bound copy;

to the Chief Justice of the United States and each of the Associate Justices of the Supreme Court of the United States, one copy of the daily;

to the offices of the marshal and clerk of the Supreme Court of the United States, each, two copies of the daily and one semimonthly copy;

to each United States circuit and district judge, and to the chief judge and each associate judge of the United States Court of Claims, the United States Court of Customs and Patent Appeals, the United States Customs Court, the Tax Court of the United States, and the United States Court of Military Appeals, upon request to a Member of Congress and notification by the Member to the Public Printer, one copy of the daily, in addition to those authorized to be furnished to Members of Congress under the preceding provisions of this section;

to the offices of the Vice President and the Speaker of the House of Representatives, each, six copies of the daily and one semimonthly copy;

to the Sergeant at Arms, the Chaplain, the Postmaster, the superintendent and the foreman of the Senate Service Department and of the House of Representatives Publications Distribution Service, respectively; to the Secretaries to the Majority and the Minority of the Senate, and to the Doorkeeper of the House of Representatives, each, one copy of the daily;

to the office of the Parliamentarian of the House of Representatives, six copies of the daily, one semimonthly copy, and two bound copies;

to the offices of the Official Reporters of Debates of the Senate and House of Representatives, respectively, each, fifteen copies of the daily, one semimonthly copy, and three bound copies;

to the office of the stenographers to committees of the House of Representatives, four copies of the daily and one semimonthly copy;

to the office of the Congressional Record Index, ten copies of the daily and two semimonthly copies;

to the offices of the superintendent of the Senate and House document rooms, each, three copies of the daily, one semimonthly copy, and one bound copy;

to the offices of the superintendents of the Senate and House press galleries, each, two copies of the daily, one semimonthly copy, and one bound copy;

to the offices of the Legislative Counsel of the Senate and House of Representatives, respectively, and the Architect of the Capitol, each, three copies of the daily, one semimonthly copy, and one bound copy;

to the Library of Congress for official use in Washington, District of Columbia, and for international exchange, as provided by sections 1718 and 1719 of this title, not to exceed one hundred and forty-five copies of the daily, five semimonthly copies, and one hundred and fifty bound copies;

to the library of the Senate, three copies of the daily, two semimonthly copies, and not to exceed fifteen bound copies;

to the library of the House of Representatives, five copies of the daily, two semimonthly copies, and not to exceed twenty-eight bound copies, of which eight copies may be bound in the style and manner approved by the Joint Committee on Printing;

to the library of the Supreme Court of the United States, two copies of the daily, two semimonthly copies, and not to exceed five bound copies;

to the library of each United States Court of Appeals, each United States District Court, the United States Court of Claims, the United States Court of Customs and Patent Appeals, the United States Customs Court, the Tax Court of the United States, and the United States Court of Military Appeals, upon request to the Public Printer, one bound copy;

to the Public Printer for official use, not to exceed seventy-five copies of the daily, ten semimonthly copies, and two bound copies;

to the Director of the Botanic Garden, two copies of the daily and one semimonthly copy;

to the Archivist of the United States, five copies of the daily, two semimonthly copies, and two bound copies;

to the library of each executive department, independent office, and establishment of the Government in the District of Columbia, except those designated as depository libraries, and to the libraries of the municipal government of the District of Columbia, the Naval Observatory, and the Smithsonian Institution, each, two copies of the daily, one semimonthly copy, and one bound copy;

to the offices of the Governors of Puerto Rico, Guam and the Virgin Islands, each, five copies in both daily and bound form;

to the office of the Governor of the Canal Zone, five copies in both daily and bound form;

to each ex-President and ex-Vice President of the United States, one copy of the daily;

to each former Senator, Representative, and Commissioner from Puerto Rico, upon request to the Public Printer, one copy of the daily;

to the governor of each State, one copy in both daily and bound form;

to the United States Soldiers' Home and to each of the National Homes for Disabled Volunteer Soldiers, and to each of the State soldiers' homes, one copy of the daily;

to the Superintendent of Documents, as many daily and bound copies as may be required for distribution to depository libraries;

to the Department of State, not to exceed one hundred and fifty copies of the daily, for distribution to each United States embassy and legation abroad, and to the principal consular offices in the discretion of the Secretary of State;

to each foreign legation in Washington whose government extends a like courtesy to our embassies and legations abroad, one copy of the daily, to be furnished upon requisition of and sent through the Secretary of State;

to each newspaper correspondent whose name appears in the Congressional Directory, and who makes application, for his personal use and that of the papers he represents, one copy of the daily and one copy of the bound, the same to be sent to the office address of the member of the press or elsewhere as he directs; not to exceed four copies in all may be furnished to members of the same press bureau.

Copies of the daily edition, unless otherwise directed by the Joint Committee on Printing, shall be supplied and delivered promptly on the day after the actual day's proceedings as originally published. Each order for the daily Record shall begin with the current issue, if previous issues of the same session are not available. The apportionment specified for daily copies may not be transferred for the bound form and an allotment of daily copies not used by a Member during a session shall lapse when the session ends.

The Public Printer may furnish the daily Record to subscribers at \$1.50 per month, payable in advance.

§ 907. Congressional Record: extracts for Members of Congress; mailing envelopes

The Public Printer may print and deliver, upon the order of a Member of Congress and payment of the cost, extracts from the Congressional Record. The Public Printer may furnish without cost to Members and the Resident Commissioner, envelopes, ready for mailing the Congressional Record or any part of it, or speeches, or reports in it. Envelopes so furnished shall contain in the upper left-hand corner the following words: "United States Senate" or "House of Representatives, U.S. Part of Congressional Record. Free", and in the upper right-hand corner the letters "U.S.S." or "M.C.", and the Public Printer may, at the request of a Member or Resident Commissioner, print in addition to the foregoing, his name and State or Commonwealth, the date, and the topic or subject matter, not exceeding twelve words. He may not print any other words on envelopes, except at the personal expense of the Member or Resident Commissioner ordering the envelopes, except to affix the official title of a document. The Public Printer shall deposit moneys accruing under this section in the Treasury of the United States to the credit of the appropriation made for the working capital of the Government Printing Office for the year in which the work is done, and accounted for in his annual report to Congress.

§ 908. Congressional Record: payment for printing extracts or other documents

If a Member or Resident Commissioner fails to pay the cost of printing extracts from the Congressional Record or other documents ordered by him to be printed, the Public Printer shall certify the amount due to the Sergeant at Arms of the House or the financial clerk of the Senate, as the case may be, who shall deduct from any salary due the delinquent the amount, or as much of it as the salary due may cover, and pay the amount so obtained to the Public Printer, to be applied by him to the satisfaction of the indebtedness.

§ 909. Congressional Record: exchange for Parliamentary Hansard

The Librarian of Congress may furnish a copy of the daily and bound Congressional Record to the Undersecretary of State for External Affairs of Canada in exchange for a copy of the Parliamentary Hansard, and the Public Printer shall honor the requisition of the Librarian of Congress for it. The Parliamentary Hansard so received shall be the property of the Department of State.

§ 910. Congressional Record: sale of current numbers and bound sets

The Public Printer, under the direction of the Joint Committee, may print for sale, at a price sufficient to reimburse the expense of printing, the current numbers and bound sets of the Congressional Record. The money from sales shall be paid into the Treasury and accounted for in his annual report to Congress, and sales may not be made on credit.

CHAPTER 11—EXECUTIVE AND JUDICIARY PRINTING AND BINDING

Sec.

- 1101. Printing and binding for the President.
- 1102. Printing to be authorized by law and necessary to the public business, not in excess of appropriation, and on special requisition filed with the Public Printer.
- 1103. Certificate of necessity; estimate of cost.
- 1104. Restrictions on use of illustrations.
- 1105. Form and style of work for departments.
- 1106. Inserting "compliments" forbidden.
- 1107. Appropriations chargeable for printing and binding of documents or reports.
- 1108. Bureau of Budget approval required for printing of periodicals; number printed; sale to public.
- 1109. Printing documents in two or more editions; full number and allotment of full quota.
- 1110. Daily examination of Congressional Record for immediate ordering of documents for official use; limit; bills and resolutions.
- 1111. Annual reports: time for furnishing manuscript and proofs to Public Printer.
- 1112. Annual reports: type for reports of executive officers.
- 1113. Annual reports: exclusion of irrelevant matter.
- 1114. Annual reports: number of copies for Congress.
- 1115. Annual reports: time of delivery by Public Printer to Congress.
- 1116. Annual reports: limitation on number of copies printed; reports of bureau chiefs.
- 1117. Annual reports: discontinuance of printing of annual or special reports to keep within appropriations.
- 1118. Documents beyond scope of ordinary departmental business.
- 1119. Government publications as public property.
- 1120. Blanks and letterheads for judges and officers of courts.
- 1121. Paper and envelopes for Government agencies in the District of Columbia.
- 1122. Supplies for Government establishments.
- 1123. Binding materials; bookbinding for libraries.

§ 1101. Printing and binding for the President

The Public Printer shall execute such printing and binding for the President as he may order and make requisition for.

§ 1102. Printing to be authorized by law and necessary to the public business, not in excess of appropriation, and on special requisition filed with the Public Printer

(a) A head of an executive department, or of an independent agency or establishment of the Government may not cause to be printed, and the Public Printer may not print, a document or matter unless it is authorized by law and necessary to the public business.

(b) Printing may not be done for an executive department, independent agency or establishment in a fiscal year in excess of the amount of the appropriation.

(c) Printing may not be done without a special requisition signed by the chief of the department, independent agency or establishment and filed with the Public Printer.

§ 1103. Certificate of necessity; estimate of cost

When a department, the Supreme Court, the Court of Claims, or the Library of Congress requires printing or binding to be done, it shall certify that it is necessary for the public service. The Public Printer shall then furnish an estimate of cost by principal items, after which requisitions may be made upon him for the printing or binding by the head of the department, the Clerk of the Supreme Court, chief judge of the Court of Claims, or the Librarian of Congress, respectively. The Public Printer shall place the cost to the debit of the department in its annual appropriation for printing and binding.

§ 1104. Restrictions on use of illustrations

Appropriations made for printing and binding may not be used for an illustration, engraving, or photograph in a document or report ordered printed by Congress unless the order to print expressly authorizes it, nor in a document or report of an executive department, independent office or establishment of the Government until the head of the executive department or Government establishment certifies in a letter transmitting the report that the illustration, engraving, or photograph is necessary and relates entirely to the transaction of public business.

§ 1105. Form and style of work for departments

The Public Printer shall determine the form and style in which the printing or binding ordered by a department is executed, and the material and the size of type used, having proper regard to economy, workmanship, and the purposes for which the work is needed.

§ 1106. Inserting "compliments" forbidden

A report, document, or publication distributed by or from an executive department or independent agency or establishment of the Government may not contain a notice that it is sent with "the compliments" of an officer of the Government, or with a special notice that it is so sent, except that notice that it has been sent, with a request for an acknowledgment of its receipt, may be given.

§ 1107. Appropriations chargeable for printing and binding of documents or reports

The cost of printing and binding of documents or reports emanating from executive departments, independent agencies or establishments of the Government which, before March 30, 1906, was charged to appropriations for congressional printing and binding or to appropria-

tions other than to executive departments, independent agencies or establishments, shall be charged as follows:

(1) the cost of illustrations, composition, stereotyping, and other work involved in the actual preparation for printing, apart from the creation of the manuscript, to the appropriation for printing and binding of the agency in which the document or report originates.

(2) the balance of cost, to congressional printing and binding appropriations or to appropriations for printing and binding of the executive departments, independent agencies or establishments in proportion to the number of copies delivered to each.

(3) the cost of copies distributed other than through Congress or executive agencies or independent offices, as otherwise provided.

§ 1108. Bureau of Budget approval required for printing of periodicals; number printed; sale to public

The head of an executive department, independent agency or establishment of the Government, with the approval of the Director of the Bureau of the Budget, may use from the appropriations available for printing and binding such sums as are necessary for the printing of journals, magazines, periodicals, and similar publications he certifies in writing to be necessary in the transaction of the public business required by law of the department, office, or establishment. There may be printed, in addition to those necessary for the public business, not to exceed two thousand copies for free distribution by the issuing department, office, or establishment. The Public Printer, subject to regulation by the Joint Committee on Printing, shall print additional copies required for sale to the public by the Superintendent of Documents; but the printing of these additional copies may not interfere with the prompt execution of printing for the Government.

§ 1109. Printing documents in two or more editions; full number and allotment of full quota

The number of copies of a public document or report authorized to be printed for an executive department, independent agency, or establishment of the Government may be supplied in two or more editions, instead of one, upon a requisition on the Public Printer by the head of the department or independent office, but the aggregate of the editions may not exceed the number of copies otherwise authorized. This section does not preclude the printing of the full number of a document or report, or the allotment of the full quota to Senators and Representatives, as otherwise authorized, when a legitimate demand for the full complement is known to exist.

§ 1110. Daily examination of Congressional Record for immediate ordering of documents for official use; limit; bills and resolutions

The heads of executive departments, independent agencies and establishments, respectively, shall cause daily examination of the Congressional Record for the purpose of noting documents, reports, and other publications of interest to their departments, and shall cause an immediate order to be sent to the Public Printer for the number of copies of the publications required for official use, not to exceed, however, the number of bureaus in the department and divisions in the office of the head. The Public Printer shall send to each executive department, independent agency and establishment, as soon as printed, five copies of public bills and resolutions, except to the State Department, to which he shall send ten copies of bills and resolutions. When the head of a department, independent agency or establishment desires

a greater number of a class of bills or resolutions for official use, the Public Printer shall furnish them on requisition promptly made.

§ 1111. Annual reports: time for furnishing manuscript and proofs to Public Printer

The appropriations made for printing and binding may not be used for an annual report or the accompanying documents unless the manuscript and proof is furnished to the Public Printer in the following manner:

manuscript of the documents accompanying annual reports on or before November 1, each year;

manuscript of the annual report on or before November 15, each year;

complete revised proofs of the accompanying documents on December 1, each year, and of the annual reports on December 10, each year.

Annual reports and accompanying documents shall be printed, made public, and available for distribution not later than within the first five days after the assembling of each regular session of Congress.

This section does not apply to the annual reports of the Smithsonian Institution, the Commissioner of Patents, the Comptroller of the Currency, or the Secretary of the Treasury.

§ 1112. Annual reports: type for reports of executive officers

The annual reports of executive officers shall be printed in the same type and form as the report of the head of the department which it accompanies, unless otherwise ordered by the Joint Committee on Printing.

§ 1113. Annual reports: exclusion of irrelevant matter

Executive officers, before transmitting their annual reports, shall carefully examine them and all accompanying documents, and exclude all matter, including engravings, maps, drawings, and illustrations, except such as they certify in their letters transmitting the reports are necessary and relate entirely to the transaction of the public business.

§ 1114. Annual reports: number of copies for Congress

One thousand copies of the annual reports of the departments to Congress shall be printed for the Senate, and two thousand for the House of Representatives.

The usual number only of the reports of the Chief of Engineers of the Army, the Commissioner of Patents, the Commissioner of Internal Revenue, the report of the Chief Signal Officer of the Department of the Army, and of the Chief of Ordnance shall be printed.

§ 1115. Annual reports: time of delivery by Public Printer to Congress

The annual reports of the Executive Departments and the accompanying documents shall be delivered by the Public Printer to the proper officer of each House of Congress at its first meeting. Other reports of the Executive Departments shall be so delivered on or before the third Wednesday next after the meeting of Congress or as soon after as may be practicable.

§ 1116. Annual reports: limitation on number of copies printed; reports of bureau chiefs

Not to exceed five thousand copies, bound in pamphlet form, of the annual reports without appendices of a head of a department may be printed in a fiscal year. Not to exceed two thousand five hundred copies, bound in pamphlet form, of the reports without appendices of a chief of bureau may be printed in a fiscal year.

A head of department shall direct whether reports made to him by a bureau chief and chief of division may be printed or not.

§ 1117. Annual reports: discontinuance of printing of annual or special reports to keep within appropriations

In order to keep expenditures for printing and binding within appropriations, heads of executive departments, independent offices and establishments of the Government may discontinue the printing of annual or special reports under their respective jurisdictions. When the printing of reports is discontinued the original copy shall be kept on file in the office of the heads of the respective departments, independent offices or establishments for public inspection.

§ 1118. Documents beyond scope of ordinary departmental business

A book or document not having to do with the ordinary business transactions of the executive departments may not be printed on the requisition of a department unless expressly authorized by Congress.

§ 1119. Government publications as public property

Government publications of a permanent nature furnished by authority of law to officers other than Members of Congress of the United States Government, for their official use, shall be stamped "Property of the United States Government", and shall be preserved by them and delivered to their successors in office as a part of the property of the office.

§ 1120. Blanks and letterheads for judges and officers of courts

Blanks and letterheads for use by judges and other officials of the United States courts, other than those required to be paid for by any of these officers out of the emoluments of their offices, shall be printed at the Government Printing Office upon forms prescribed by the Department of Justice, and shall be distributed by it upon requisition.

§ 1121. Paper and envelopes for Government agencies in the District of Columbia

The Public Printer may procure, under direction of the Joint Committee on Printing, as provided by sections 509-516 of this title, and furnish on requisition, paper and envelopes (not including envelopes printed in the course of manufacture) in common use by two or more departments, establishments, or services of the Government in the District of Columbia, and reimbursement shall be made to the Public Printer from appropriations or funds available for the purpose. Paper and envelopes so furnished by the Public Printer may not be procured in any other manner.

§ 1122. Supplies for Government establishments

The Public Printer may procure and supply, on the requisition of the head of an executive department, independent office or establishment of the Government, complete manifold blanks, books, and forms required in duplicating processes, and complete patented devices with which to file money-order statements, or other uniform official papers, and charge them to the allotment for printing and binding of the department or Government establishment requiring them.

§ 1123. Binding materials; bookbinding for libraries

Binding for the departments of the Government shall be done in plain sheep or cloth, except that record and account books may be bound in Russia leather, sheep fleshers, and skivers, when authorized by the head of a department. The libraries of the several departments, the Library of Congress, the libraries of the Surgeon General's Office,

the Patent Office, and the Naval Observatory may have books for the exclusive use of these libraries bound in half Turkey, or material no more expensive.

CHAPTER 13—PARTICULAR REPORTS AND DOCUMENTS

Sec.

- 1301. Agriculture, Department of: report of Secretary.
- 1302. Agriculture, Department of: monthly crop report and other publications.
- 1303. American Historical Association: report.
- 1304. Army and Navy registers.
- 1305. Attorney General: opinions.
- 1306. Civil Service Commission: report.
- 1307. Environmental Science Service Administration: charts; sale and distribution.
- 1308. Coast Guard: annual report of the Commandant.
- 1309. Coast Guard: notices to mariners and other special publications.
- 1310. Commerce Department: navigation and weather information.
- 1311. Comptroller General: decisions.
- 1312. Director of Public Health of District of Columbia: report.
- 1313. Education, Commissioner of: report.
- 1314. Ephemeris and Nautical Almanac.
- 1315. Fish and Wildlife Service: bulletins.
- 1316. Fish and Wildlife Service: report of the Director.
- 1317. Foreign Relations.
- 1318. Geological Survey: classes and sizes of publications; report of mineral resources; number of copies; reprints; distribution.
- 1319. Geological Survey: specific appropriations required for monographs and bulletins.
- 1320. Geological Survey: distribution of publications to public libraries.
- 1321. Hydrographic Surveys; foreign surveys.
- 1322. Immigration and Naturalization Service: report.
- 1323. Interstate Commerce Commission: report.
- 1324. Labor Statistics, Bureau of: bulletins.
- 1325. Labor Statistics, Bureau of: report of Commissioner.
- 1326. Librarian of Congress: reports.
- 1327. Mines, Bureau of: publications.
- 1328. Merchant vessels of the United States.
- 1329. Mint: reports of Director.
- 1330. Monthly Summary Statement of Imports and Exports.
- 1331. National Academy of Sciences: report.
- 1332. National encampments of Veterans' organizations; proceedings printed annually for Congress.
- 1333. National high school and college debate topics.
- 1334. Naval Intelligence Office: additional copies of publications.
- 1335. Naval Observatory Observations.
- 1336. Naval Oceanographic Office: special publications.
- 1337. Patent Office: publications authorized to be printed.
- 1338. Patent Office: limitations and conditions concerning printing and lithographing.
- 1339. Printing of the President's message.
- 1340. Public Printer: annual report.
- 1341. Smithsonian Institution: report.
- 1342. Soil area surveys: reports; congressional allotments.
- 1343. Statistical Abstract of the United States.
- 1344. Treasury Department: reports.

§ 1301. Agriculture, Department of: report of Secretary

The annual report of the Secretary of Agriculture shall be submitted and printed in two parts, as follows:

- part 1, containing purely business and executive matter necessary for the Secretary to submit to the President and Congress;
- part 2, reports from the different bureaus and divisions, and papers prepared by their special agents, accompanied by suitable illustrations as are, in the opinion of the Secretary, specially suited to interest and instruct the farmers of the country, and to

Report to President and Congress.

include a general report of the operations of the department for their information.

In addition to the usual number, there shall be printed of part 1, one thousand copies for the Senate, two thousand copies for the House of Representatives, and three thousand copies for the Department of Agriculture; and of part 2, one hundred and ten thousand copies for the use of the Senate, three hundred and sixty thousand copies for the use of the House of Representatives, and thirty thousand copies for the use of the Department of Agriculture, the illustrations for part 2 to be subject to the approval of the Secretary of Agriculture, and executed under the supervision of the Public Printer, in accordance with directions of the Joint Committee on Printing, and the title of each of the parts shall show that each part is complete in itself.

§ 1302. Agriculture, Department of: monthly crop report and other publications

The Secretary of Agriculture may cause to be printed the number of copies of the monthly crop report, and of other reports and bulletins of not more than one hundred octavo pages, he considers necessary.

§ 1303. American Historical Association: report

In addition to the usual number of the report of the American Historical Association, five thousand five hundred copies shall be printed: one thousand for the Senate, two thousand for the House of Representatives, one thousand five hundred for distribution by the Association and the Smithsonian Institution, and one thousand copies for the use of the Association.

§ 1304. Army and Navy registers

In addition to the usual number of the registers of the Army and Navy, fifteen hundred copies of each shall be printed: five hundred for the Senate, and one thousand for the House of Representatives.

§ 1305. Attorney General: opinions

The Public Printer shall from time to time print an edition of one thousand copies of the opinions of the Attorney General, which shall be, as to size, quality of paper, printing, and binding, of uniform style and appearance, as nearly as practicable, with volume 8 of opinions, published in the year 1868. Each volume shall contain proper headnotes, a complete and full index, and such footnotes as the Attorney General approves. The volumes shall be distributed in the manner the Attorney General prescribes.

§ 1306. Civil Service Commission: report

In addition to the usual number of the report of the Civil Service Commission twenty-three thousand copies shall be printed: one thousand for the Senate, two thousand for the House of Representatives, and twenty thousand for distribution by the Civil Service Commission.

§ 1307. Environmental Science Service Administration: charts; sale and distribution

(a) The charts published by the Environmental Science Service Administration shall be sold at cost of paper and printing as nearly as practicable. The price to the public shall include all expenses incurred in actual reproduction of the charts after the original cartography, such as photography, opaquing, platemaking, press time and bindery operations; the full postage rates, according to the rates for postal services used; and any additional cost factors considered appropriate by the Secretary such as overhead and administrative expenses allocable to the production of the charts and related reference materials. The costs of basic surveys and geodetic work done may not be

included in the price of the charts and reference materials. The Secretary of Commerce shall publish the prices at which charts and reference materials are sold to the public at least once each calendar year.

(b) There may not be free distribution of charts except to the departments and officers of the United States requiring them for public use; and a number of copies of each sheet, not to exceed three hundred, to be presented to such foreign governments, libraries, and scientific associations, and institutions of learning as the Secretary of Commerce directs; but on the order of Senators and Representatives not to exceed one hundred copies to each may be distributed through the Environmental Science Service Administration.

§ 1308. Coast Guard: annual report of the Commandant

The Secretary of the Department of Transportation may authorize the printing of the annual report of the Commandant of the Coast Guard in such editions as the interests of the Government and of the public require.

§ 1309. Coast Guard: notices to mariners and other special publications

The Secretary of the Department of Transportation may authorize the printing of notices to mariners and other special publications of the Coast Guard in such editions as the interests of the Government and of the public require.

§ 1310. Commerce Department: navigation and weather information

The Secretary of Commerce may cause to be printed the number of copies of tide tables, coast pilots, and other special publications relating to the Coast and Geodetic Survey, Weather Bureau maps, charts, bulletins of not more than one hundred octavo pages, and minor reports of the Weather Bureau, he considers for the best interest of the Government.

§ 1311. Comptroller General: decisions

The Public Printer shall print not more than one volume each of the decisions and opinions of the Comptroller General, with such explanatory matter as he may furnish, and furnish ten copies for the use of each Member of Congress; two thousand copies to the Comptroller General; and for distribution in the manner provided by section 7 of the Act of June 20, 1874 (18 Stat. 113), providing for the publication of the statutes, one-half the number therein mentioned.

§ 1312. Director of Public Health of District of Columbia: report

In addition to the usual number of the report of the Director of Public Health of the District of Columbia, one thousand five hundred copies shall be printed: one hundred for the Senate, three hundred and sixty for the House of Representatives, and one thousand and forty for the Director of Public Health.

§ 1313. Education, Commissioner of: report

In addition to the usual number of the report of the Commissioner of Education, thirty-five thousand copies shall be printed: five thousand for the Senate, ten thousand for the House of Representatives, and twenty thousand for distribution by the Commissioner of Education.

§ 1314. Ephemeris and Nautical Almanac

The "usual number" of copies of the American Ephemeris and Nautical Almanac may not be printed. Instead, there shall be printed and bound two thousand five hundred copies, uniform with the editions printed for the Department of the Navy, five hundred of

which shall be for the use of the Senate, one thousand for the use of the House of Representatives, and one thousand for distribution or sale by the Department of the Navy. The Secretary of the Navy may cause to be published of the papers supplementary to the Ephemeris and Nautical Almanac, one thousand five hundred copies in addition to the usual number, one hundred copies for the Senate, four hundred for the House of Representatives, and one thousand for distribution or sale by the Department of the Navy. The Secretary of the Navy may cause additional copies of the Nautical Almanacs extracted from the Ephemeris, to be printed for the public service and for sale to navigators and others. Moneys received from sales of the Ephemeris and of the Nautical Almanacs shall be deposited in the Treasury and placed to the credit of the general fund for public printing.

§ 1315. Fish and Wildlife Service: bulletins

In addition to the usual number of the bulletins of the Fish and Wildlife Service, five thousand copies shall be printed: one thousand for the Senate, two thousand for the House of Representatives, and two thousand for distribution by the Service.

§ 1316. Fish and Wildlife Service: report of the Director

In addition to the usual number of the report of the Director of the Fish and Wildlife Service, eight thousand copies shall be printed: two thousand for the Senate, four thousand for the House of Representatives, and two thousand for distribution by the Service.

§ 1317. Foreign Relations

In addition to the usual number of Foreign Relations, three thousand copies of each shall be printed: one thousand for the Senate and two thousand for the House of Representatives.

§ 1318. Geological Survey: classes and sizes of publications; report of mineral resources; number of copies; reprints; distribution

The publications of the Geological Survey shall consist of the annual report of the Director, which shall be confined to one volume of royal octavo size; monographs, of quarto size; professional papers, of quarto size; bulletins, of ordinary octavo size; water-supply and irrigation papers, of ordinary octavo size; and maps, folios, and atlases required by law.

In addition to the usual number of the report of the Geological Survey, ten thousand copies shall be printed: two thousands for the Senate, four thousand for the House of Representatives, four thousand for distribution by the Geological Survey.

The reports of the Geological Survey, except the annual report of the Director, shall be published in editions recommended in each case by the Director and approved by the Secretary of the Interior, but not to exceed ten thousand copies.

When the edition of a report of the Survey is exhausted, and the demand for it continues, there may be published, on the requisition of the Secretary of the Interior, as many additional copies of the report as the Director of the Survey states will, in his judgment, be necessary to meet the demand.

The report of the mineral resources of the United States shall be published in two octavo volumes and as a distinct publication, the number of copies, printing of separate chapters, and mode of distribution of which shall be the same as of the annual report.

Three thousand copies of the monographs and bulletins of the Geological Survey shall be published.

The bulletins and professional papers shall be distributed gratuitously and of the number published one thousand copies shall be de-

livered to the Senate and two thousand copies to the House of Representatives, for distribution.

The Director of the Geological Survey shall transmit to the Library of Congress two copies of every report of the bureau as soon as the first delivery to the Survey is made, in addition to those received by the Library of Congress under any other law.

§ 1319. Geological Survey: specific appropriations required for monographs and bulletins

The scientific reports known as the monographs and bulletins of the Geological Survey may not be published until specific and detailed estimates and specific appropriations based on these estimates are made for them. Engravings for the annual reports for monographs and bulletins, or of illustrations, sections, and maps, may not be made until specific estimates are submitted and specific appropriations made based on the estimates.

§ 1320. Geological Survey: distribution of publications to public libraries

The Director of the Geological Survey shall distribute to public libraries that have not already received them copies of sale publications on hand at the expiration of five years after date of delivery to the Survey document room, excepting a reserve number not to exceed two hundred copies.

§ 1321. Hydrographic Surveys; foreign surveys

Appropriations made for the preparation or publication of foreign hydrographic surveys may be applicable only upon approval by the Secretary of the Navy, after a report from three competent naval officers that the original data for proposed charts justify their publication. The Secretary of the Navy shall order a board of three naval officers to examine and report upon the data before he approves an application of moneys to the preparation or publication of charts or hydrographic surveys.

§ 1322. Immigration and Naturalization Service: report

The number of copies, not to exceed five thousand, to be printed of the annual reports of the Immigration and Naturalization Service of the Department of Justice shall be subject to the discretion of the Attorney General.

§ 1323. Interstate Commerce Commission: report

In addition to the usual number of the annual report of the Interstate Commerce Commission, three thousand copies shall be printed: one thousand for the Senate, two thousand for the House, and for the use of the Commission that number of the report and other documents incident to interstate commerce for distribution by it as it considers expedient.

§ 1324. Labor Statistics, Bureau of: bulletins

There shall be printed one edition of fifteen thousand copies of each issue of the bulletin of the Bureau of Labor Statistics authorized by section 5 of Title 29, and extra copies not to exceed twenty thousand of any single issue, when in the opinion of the Commissioner of Labor Statistics the demand for the bulletin makes an extra edition necessary.

28 Stat. 805; 33
Stat. 136; 37 Stat.
737.

§ 1325. Labor Statistics, Bureau of: report of Commissioner

In addition to the usual number of the report of the Commissioner of Labor Statistics, twenty-five thousand copies shall be printed: five thousand for the Senate, ten thousand for the House of Representatives, and ten thousand for distribution by the Commissioner.

§ 1326. Librarian of Congress: reports

Five thousand copies of the annual and special reports of the Librarian of Congress submitted to Congress, shall be printed and bound in cloth for the Library of Congress.

§ 1327. Mines, Bureau of: publications

The publications of the Bureau of Mines shall be published in editions recommended by the Secretary of the Interior, but not to exceed ten thousand copies for the first edition. When the edition of a publication of the Bureau of Mines is exhausted and the demand for it continues, there may be published, on the requisition of the Secretary of the Interior, as many additional copies as the Secretary of the Interior considers necessary to meet the demand.

§ 1328. Merchant vessels of the United States

Five thousand copies of the annual list of merchant vessels of the United States may be printed for distribution by the Coast Guard.

§ 1329. Mint: reports of Director

There may be printed, in the discretion of the Secretary of the Treasury, for distribution by the Treasury Department, two thousand copies of the annual report of the Director of the Mint on the operations of the mint and assay offices with appendices, and of the annual report of the Director of the Mint on the production of precious metals.

§ 1330. Monthly Summary Statement of Imports and Exports

There shall be printed monthly by the Public Printer thirty-five hundred copies of the Monthly Summary Statement of Imports and Exports and other statistical information prepared by the Secretary of Commerce, five hundred for the Senate, one thousand for the House of Representatives, and two thousand for the Department of Commerce.

§ 1331. National Academy of Sciences: report

In addition to the usual number of the report of the National Academy of Sciences, two thousand copies shall be printed: five hundred for the Senate, one thousand for the House of Representatives, and five hundred for distribution by the National Academy of Sciences.

§ 1332. National encampments of Veterans' organizations; proceedings printed annually for Congress

The proceedings of the national encampments of the United Spanish War Veterans, the Veterans of Foreign Wars of the United States, the American Legion, the Military Order of the Purple Heart, the Veterans of World War I of the United States of America, Incorporated, the Disabled American Veterans, and the AMVETS (American Veterans of World War II), respectively, shall be printed annually, with accompanying illustrations, as separate House documents of the session of the Congress to which they may be submitted.

§ 1333. National high school and college debate topics

(a) The Librarian of Congress shall prepare compilations of pertinent excerpts, bibliographical references, and other appropriate materials relating to:

(1) the subject selected annually by the National University Extension Association as the national high school debate topic and

(2) the subject selected annually by the American Speech Association as the national college debate topic.

In preparing the compilations the Librarian shall include materials which in his judgment are representative of, and give equal emphasis to, the opposing points of view on the respective topics.

(b) The compilations on the high school debate topics shall be printed as Senate documents and the compilations on the college debate topics shall be printed as House of Representatives documents, the cost of which shall be charged to the congressional allotment for printing and binding. Additional copies may be printed in the quantities and distributed in the manner the Joint Committee on Printing directs.

§ 1334. Naval Intelligence Office: additional copies of publications

In addition to one thousand copies previously authorized, the Secretary of the Navy may print extra copies of the publications of the Office of Naval Intelligence necessary for distribution to the naval service and to meet other official demands. The edition of any one publication may not exceed two thousand copies.

§ 1335. Naval Observatory Observations

In addition to the usual number of the Observations of the Naval Observatory, one thousand eight hundred copies shall be printed: three hundred for the Senate, seven hundred for the House of Representatives, and eight hundred for distribution by the Naval Observatory; and of the astronomical appendixes to the Observations, one thousand two hundred separate copies, and of the meteorological and magnetic observations one thousand separate copies, for distribution by the Naval Observatory.

§ 1336. Naval Oceanographic Office: special publications

The Secretary of the Navy may authorize the printing of notices to mariners, light lists, sailing directions, bulletins, and other special publications of the United States Naval Oceanographic Office in editions the interests of the Government and of the public may require.

§ 1337. Patent Office: publications authorized to be printed

The Commissioner of Patents, upon the requisition of the Secretary of Commerce may cause to be printed:

1. **PATENTS ISSUED.**—The patents for inventions and designs issued by the Patent Office, including grants, specifications, and drawings, together with copies of them, and of patents already issued, in the number needed for the business of the office.

2. **TRADE-MARKS AND LABELS.**—The certificates of trade-marks and labels registered in the Patent Office, including descriptions and drawings, together with copies of them, and of trade-marks and labels previously registered, in the numbers needed for the business of the office.

3. **OFFICIAL GAZETTE.**—The Official Gazette of the United States Patent Office in numbers sufficient to supply all who subscribe for it at \$5 a year; also for exchange for other scientific publications desirable for the use of the Patent Office; also to supply one copy to each Senator and Representative in Congress; with one hundred additional copies, together with weekly, monthly, and annual indexes. The "usual number" of the Official Gazette may not be printed.

4. **REPORT OF COMMISSIONER OF PATENTS.**—The annual report of the Commissioner of Patents, not exceeding five hundred in number, for distribution by him; the annual report of the Commissioner of Patents to Congress, without the list of patents, not exceeding one thousand five hundred in number, for distribution by him; and the annual report of the Commissioner of Patents to Congress, with the list of patents, five hundred copies for sale by him, if needed, and in addition the "usual number" only shall be printed.

5. **RULES OF PRACTICE, LAWS, ETC.**—Pamphlet copies of the rules of practice, and of the patent laws, and pamphlet copies of the laws

and rules relating to trade-marks and labels, and circulars relating to the business of the office, all in numbers as needed for the business of the office. The "usual number" may not be printed.

6. DECISIONS OF COMMISSIONER AND COURTS.—Annual volumes of the decisions of the Commissioner of Patents and of the United States courts in patent cases, not exceeding one thousand five hundred in number, of which the usual number shall be printed, and for this purpose a copy of each shall be transmitted to Congress promptly when prepared.

7. INDEXES.—Indexes to patents relating to electricity, and indexes to foreign patents, in the numbers needed for the business of the office. The "usual number" may not be printed.

§ 1338. Patent Office: limitations and conditions concerning printing and lithographing

Printing for the Patent Office making use of lithography or photolithography, together with the plates, shall be contracted for and performed under the direction of the Commissioner of Patents, under limitations and conditions prescribed by the Joint Committee on Printing, and other printing for the Patent Office shall be done by the Public Printer under limitations and conditions prescribed by the Joint Committee on Printing. The entire work may be done at the Government Printing Office when in the judgment of the Joint Committee on Printing it is to the interest of the Government.

§ 1339. Printing of the President's Message

The message of the President without the accompanying documents and reports shall be printed in pamphlet form, immediately upon its receipt by Congress. In addition to the usual number, fifteen thousand copies shall be printed, of which five thousand shall be for the Senate, and ten thousand for the House of Representatives.

In addition to the usual number of the President's message and accompanying documents, there shall be printed one thousand copies for the Senate and two thousand for the House of Representatives. The President's message shall be delivered by the printer to the appropriate officers of each House of Congress on or before the third Wednesday next after the meeting of Congress, or as soon after as may be practicable.

§ 1340. Public Printer: annual report

In addition to the usual number of the annual report of the Public Printer, one thousand copies shall be printed to be distributed under his direction.

§ 1341. Smithsonian Institution: report

In addition to the usual number of the report of the Smithsonian Institution ten thousand copies shall be printed: one thousand for the Senate, two thousand for the House of Representatives, five thousand for distribution by the Smithsonian Institution, and two thousand for distribution by the National Museum.

§ 1342. Soil area surveys: reports; congressional allotments

As soon as the manuscript can be prepared with the necessary maps and illustrations to accompany it, a report on each soil area surveyed by the Secretary of Agriculture shall be printed in the form of advance sheets bound in paper covers, of which not more than two hundred and fifty copies shall be for the use of each Senator from the State and not more than one thousand copies for the use of each Representative for the congressional district or districts in which a survey is made, the actual number to be determined on inquiry by the Secretary of Agriculture made to the Senators and Representatives, and as many copies

for the use of the Department of Agriculture as in the judgment of the Secretary of Agriculture are necessary. The Superintendent of Documents shall hold the total congressional and department edition for two years and distribute within these limitations according to the requests of the Senators, Representatives, or department, and at the expiration of the two-year period turn over to the Department of Agriculture the residue of the edition.

§ 1343. Statistical Abstract of the United States

In addition to the usual number of the Statistical Abstract of the United States, twelve thousand copies shall be printed: three thousand for the Senate, six thousand for the House of Representatives, and three thousand for distribution by the Secretary of Commerce.

§ 1344. Treasury Department: reports

In addition to the usual number of the finance report of the Secretary of the Treasury, one thousand copies for the Senate and two thousand for the House of Representatives shall be printed in addition to those published as part of the departmental report.

In addition to the usual number of the annual report of the Comptroller of the Currency, thirteen thousand copies shall be printed: one thousand for the Senate, two thousand for the House of Representatives, and ten thousand for distribution by the Comptroller of the Currency.

CHAPTER 15—FEDERAL REGISTER AND CODE OF FEDERAL REGULATIONS

Sec.

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§ 1501. Definitions

As used in this chapter, unless the context otherwise requires—

"document" means a Presidential proclamation or Executive order and an order, regulation, rule, certificate, code of fair competition, license, notice, or similar instrument, issued, prescribed, or promulgated by a Federal agency;

"Federal agency" or "agency" means the President of the United States, or an executive department, independent board, establishment, bureau, agency, institution, commission, or separate office of the administrative branch of the Government of the United States but not the legislative or judicial branches of the Government;

"person" means an individual, partnership, association, or corporation.

§ 1502. Custody and printing of Federal documents; appointment of Director

The Administrator of General Services, acting through the Office of the Federal Register, is charged with the custody and, together with the Public Printer, with the prompt and uniform printing and distribution of the documents required or authorized to be pub-

lished by section 1505 of this title. There shall be at the head of the Office a director, appointed by, and who shall act under the general direction of, the Administrator of General Services in carrying out this chapter and the regulations prescribed under it.

§ 1503. Filing documents with Office; notation of time; public inspection; transmission for printing

The original and two duplicate originals or certified copies of a document required or authorized to be published by section 1505 of this title shall be filed with the Office of the Federal Register, which shall be open for that purpose during all hours of the working days when the National Archives Building is open for official business. The Administrator of General Services shall cause to be noted on the original and duplicate originals or certified copies of each document the day and hour of filing. When the original is issued, prescribed, or promulgated outside the District of Columbia, and certified copies are filed before the filing of the original, the notation shall be of the day and hour of filing of the certified copies. Upon filing, at least one copy shall be immediately available for public inspection in the Office. The original shall be retained in the archives of the National Archives of the United States and shall be available for inspection under regulations prescribed by the Administrator. The Office shall transmit immediately to the Government Printing Office for printing, as provided by this chapter, one duplicate original or certified copy of each document required or authorized to be published by section 1505 of this title. Every Federal agency shall cause to be transmitted for filing the original and the duplicate originals or certified copies of all such documents issued, prescribed, or promulgated by the agency.

§ 1504. "Federal Register"; printing; contents; distribution; price

Documents required or authorized to be published by section 1505 of this title shall be printed and distributed immediately by the Government Printing Office in a serial publication designated the "Federal Register." The Public Printer shall make available the facilities of the Government Printing Office for the prompt printing and distribution of the Federal Register in the manner and at the times required by this chapter and the regulations prescribed under it. The contents of the daily issues shall be indexed and shall comprise all documents, required or authorized to be published, filed with the Office of the Federal Register up to the time of the day immediately preceding the day of distribution fixed by regulations under this chapter. There shall be printed with each document a copy of the notation, required to be made by section 1503 of this title, of the day and hour when, upon filing with the Office, the document was made available for public inspection. Distribution shall be made by delivery or by deposit at a post office at a time in the morning of the day of distribution fixed by regulations prescribed under this chapter. The prices to be charged for the Federal Register may be fixed by the Administrative Committee of the Federal Register established by section 1506 of this title without reference to the restrictions placed upon and fixed for the sale of Government publications by sections 1705 and 1708 of this title.

§ 1505. Documents to be published in Federal Register

(a) PROCLAMATIONS AND EXECUTIVE ORDERS; DOCUMENTS HAVING GENERAL APPLICABILITY AND LEGAL EFFECT; DOCUMENTS REQUIRED TO BE PUBLISHED BY CONGRESS. There shall be published in the Federal Register—

(1) Presidential proclamations and Executive orders, except those not having general applicability and legal effect or effective only against Federal agencies or persons in their capacity as officers, agents, or employees thereof;

(2) documents or classes of documents that the President may determine from time to time have general applicability and legal effect; and

(3) documents or classes of documents that may be required so to be published by Act of Congress.

For the purposes of this chapter every document or order which prescribes a penalty has general applicability and legal effect.

(b) **DOCUMENTS AUTHORIZED TO BE PUBLISHED BY REGULATIONS; COMMENTS AND NEWS ITEMS EXCLUDED.** In addition to the foregoing there shall also be published in the Federal Register other documents or classes of documents authorized to be published by regulations prescribed under this chapter with the approval of the President, but comments or news items of any character may not be published in the Federal Register.

(c) **SUSPENSION OF REQUIREMENTS FOR FILING OF DOCUMENTS; ALTERNATE SYSTEMS FOR PROMULGATING, FILING, OR PUBLISHING DOCUMENTS; PRESERVATION OF ORIGINALS.** In the event of an attack or threatened attack upon the continental United States and a determination by the President that as a result of an attack or threatened attack—

(1) publication of the Federal Register or filing of documents with the Office of the Federal Register is impracticable, or

(2) under existing conditions publication in the Federal Register would not serve to give appropriate notice to the public of the contents of documents, the President may, without regard to any other provision of law, suspend all or part of the requirements of law or regulation for filing with the Office or publication in the Federal Register of documents or classes of documents.

The suspensions shall remain in effect until revoked by the President, or by concurrent resolution of the Congress. The President shall establish alternate systems for promulgating, filing, or publishing documents or classes of documents affected by such suspensions, including requirements relating to their effectiveness or validity, that may be considered under the then existing circumstances practicable to provide public notice of the issuance and of the contents of the documents. The alternate systems may, without limitation, provide for the use of regional or specialized publications or depositories for documents, or of the press, the radio, or similar mediums of general communication. Compliance with alternate systems of filing or publication shall have the same effect as filing with the Office or publication in the Federal Register under this chapter or other law or regulation. With respect to documents promulgated under alternate systems, each agency shall preserve the original and two duplicate originals or two certified copies for filing with the Office when the President determines that it is practicable.

§ 1506. Administrative Committee of the Federal Register; establishment and composition; powers and duties

The Administrative Committee of the Federal Register shall consist of the Archivist of the United States or Acting Archivist, who shall be chairman, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer. The Director of the Federal Register shall act as secretary of the committee. The authority of the Administrator of General Services, under section 754 of title 40, to regroup, transfer, and distribute functions within the General Services Administration, does not extend to the Committee or its functions. The committee shall prescribe, with the approval of the President, regulations for carry-

ing out this chapter. The regulations shall provide, among other things—

(1) the manner of certification of copies required to be certified under section 1503 of this title, which certification may be permitted to be based upon confirmed communications from outside the District of Columbia;

(2) the documents which shall be authorized under section 1505(b) of this title to be published in the Federal Register;

(3) the manner and form in which the Federal Register shall be printed, reprinted, compiled, indexed, bound, and distributed;

(4) the number of copies of the Federal Register, which shall be printed, reprinted, and compiled, the number which shall be distributed without charge to Members of Congress, officers and employees of the United States, or Federal agency, for official use, and the number which shall be available for distribution to the public; and

(5) the prices to be charged for individual copies of, and subscriptions to, the Federal Register and reprints and bound volumes of it.

§ 1507. Filing document as constructive notice; publication in Federal Register as presumption of validity; judicial notice; citation

A document required by section 1505 (a) of this title to be published in the Federal Register is not valid as against a person who has not had actual knowledge of it until the duplicate originals or certified copies of the document have been filed with the Office of the Federal Register and a copy made available for public inspection as provided by section 1503 of this title. Unless otherwise specifically provided by statute, filing of a document, required or authorized to be published by section 1505 of this title, except in cases where notice by publication is insufficient in law, is sufficient to give notice of the contents of the document to a person subject to or affected by it. The publication in the Federal Register of a document creates a rebuttable presumption—

(1) that it was duly issued, prescribed, or promulgated;

(2) that it was filed with the Office of the Federal Register and made available for public inspection at the day and hour stated in the printed notation;

(3) that the copy contained in the Federal Register is a true copy of the original; and

(4) that all requirements of this chapter and the regulations prescribed under it relative to the document have been complied with.

The contents of the Federal Register shall be judicially noticed and without prejudice to any other mode of citation, may be cited by volume and page number.

§ 1508. Publication in Federal Register as notice of hearing

A notice of hearing or of opportunity to be heard, required or authorized to be given by an Act of Congress, or which may otherwise properly be given, shall be deemed to have been given to all persons residing within the States of the Union and the District of Columbia, except in cases where notice by publication is insufficient in law, when the notice is published in the Federal Register at such a time that the period between the publication and the date fixed in the notice for the hearing or for the termination of the opportunity to be heard is—

(1) not less than the time specifically prescribed for the publication of the notice by the appropriate Act of Congress; or

(2) not less than fifteen days when time for publication is not specifically prescribed by the Act, without prejudice, however, to the effectiveness of a notice of less than fifteen days where the shorter period is reasonable.

§ 1509. Cost of publication; appropriations authorized; penalty mail privilege

Payments made for the Federal Register shall be covered into the Treasury as miscellaneous receipts. The cost of printing, reprinting, wrapping, binding, and distributing the Federal Register and other expenses incurred by the Government Printing Office in carrying out the duties placed upon it by this chapter shall be borne by the appropriations to the Government Printing Office and the appropriations are made available, and are authorized to be increased by additional sums necessary for the purposes, the increases to be based upon estimates submitted by the Public Printer.

Copies of the Federal Register mailed by the Government are entitled to the free use of the United States mails in the same manner as the official mail of the executive departments of the Government. The cost of mailing the Federal Register to officers and employees of Federal agencies in foreign countries shall be borne by the respective agencies.

§ 1510. Code of Federal Regulations

(a) The Administrative Committee of the Federal Register, with the approval of the President, may require, from time to time as it considers necessary, the preparation and publication in special or supplemental editions of the Federal Register of complete codifications of the documents of each agency of the Government having general applicability and legal effect, issued or promulgated by the agency by publication in the Federal Register or by filing with the Administrative Committee, and are relied upon by the agency as authority for, or are invoked or used by it in the discharge of, its activities or functions, and are in effect as to facts arising on or after dates specified by the Administrative Committee.

(b) A codification published under subsection (a) of this section shall be printed and bound in permanent form and shall be designated as the "Code of Federal Regulations." The Administrative Committee shall regulate the binding of the printed codifications into separate books with a view to practical usefulness and economical manufacture. Each book shall contain an explanation of its coverage and other aids to users that the Administrative Committee may require. A general index to the entire Code of Federal Regulations shall be separately printed and bound.

(c) The Administrative Committee shall regulate the supplementation and the collation and republication of the printed codifications with a view to keeping the Code of Federal Regulations as current as practicable. Each book shall be either supplemented or collated and republished at least once each calendar year.

(d) The Office of the Federal Register shall prepare and publish the codifications, supplements, collations, and indexes authorized by this section.

(e) The codified documents of the several agencies published in the supplemental edition of the Federal Register under this section, as amended by documents subsequently filed with the Office and published in the daily issues of the Federal Register, shall be prima facie evi-

dence of the text of the documents and of the fact that they are in effect on and after the date of publication.

(f) The Administrative Committee shall prescribe, with the approval of the President, regulations for carrying out this section.

(g) This section does not require codification of the text of Presidential documents published and periodically compiled in supplements to Title 3 of the Code of Federal Regulations.

§ 1511. International agreements excluded from provisions of chapter

This chapter does not apply to treaties, conventions, protocols, and other international agreements, or proclamations thereof by the President.

CHAPTER 17—DISTRIBUTION AND SALE OF PUBLIC DOCUMENTS

Sec.

- 1701. Publications for public distribution to be distributed by the Public Printer; mailing lists.
- 1702. Superintendent of Documents; sale of documents.
- 1703. Superintendent of Documents: assistants, blanks, printing and binding.
- 1704. Superintendent of Documents: pay of employees for night, Sunday, holiday, and overtime work.
- 1705. Printing additional copies for sale to public; regulations.
- 1706. Printing and sale of extra copies of documents.
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- 1708. Prices for sales copies of publications; crediting of receipts; resale by dealers; sales agents.
- 1709. Blank forms: printing and sale to public.
- 1710. Index of documents: number and distribution.
- 1711. Catalog of Government publications.
- 1712. Documents for use of the Public Printer.
- 1713. Documents to be delivered to the Executive Mansion.
- 1714. Publications for use of General Services Administration.
- 1715. Publications for department or officer or for congressional committees.
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- 1719. International exchange of Government publications.
- 1720. Documents not needed by departments to be turned over to Superintendent of Documents.
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§ 1701. Publications for public distribution to be distributed by the Public Printer; mailing lists

Money appropriated by any Act may not be used for services in an executive department or other Government establishment at the District of Columbia, in the work of addressing, wrapping, mailing, or otherwise dispatching a publication for public distribution, except maps, weather reports, and weather cards issued by them or for the purchase of material or supplies to be used in this work. The Public Printer shall perform this work at the Government Printing Office. The head of an executive department, independent office, and establishment of the Government at the District of Columbia, shall furnish from time to time to the Public Printer mailing lists, in convenient form, and changes in them, or penalty mail slips, for use in the public distribution of publications issued by the department or establishment. The Public Printer may furnish copies of a publication only in accordance with law or the instruction of the head of the department or establishment issuing the publication.

This section does not apply to orders, instructions, directions, notices, or circulars of information printed for and issued by an executive department or other Government establishment or to the distribution of public documents by Senators or Members of the House of Representatives or to the Senate Service Department, House of Representatives Publications Distribution Service, and document rooms of the Senate or House of Representatives.

§ 1702. Superintendent of Documents; sale of documents

The Public Printer shall appoint a competent person to act as Superintendent of Documents who shall be under the control of the Public Printer.

When an officer of the Government having in his charge documents published for sale desires to be relieved of them, he may turn them over to the Superintendent of Documents, who shall receive and sell them under this section. Moneys received from the sale of documents shall be returned to the Public Printer on the first day of each month and be covered into the Treasury monthly.

The Superintendent of Documents shall also report monthly to the Public Printer the number of documents received by him and the disposition made of them. He shall have general supervision of the distribution of all public documents, and to his custody shall be committed all documents subject to distribution, excepting those printed for the special official use of the executive departments, which shall be delivered to the departments, and those printed for the use of the two Houses of Congress, which shall be delivered to the Senate Service Department and House of Representatives Publications Distribution Service and distributed or delivered ready for distribution to Members upon their order by the superintendents of the Senate Service Department and House Publications Distribution Service, respectively.

§ 1703. Superintendent of Documents: assistants, blanks, printing and binding

The Public Printer, upon the requisition of the Superintendent of Documents, shall appoint necessary assistants, furnish blanks, and do the printing and binding required by his office, the cost to be charged against the appropriation for printing and binding for Congress. The Public Printer shall provide convenient office, storage, and distributing rooms for the use of the Superintendent of Documents.

§ 1704. Superintendent of Documents: pay of employees for night, Sunday, holiday, and overtime work

Employees in the office of the Superintendent of Documents may be paid for night, Sunday, holiday, and overtime work at rates not in excess of the rates of additional pay for this work allowed other employees of the Government Printing Office under section 305 of this title.

§ 1705. Printing additional copies for sale to public; regulations

The Public Printer shall print additional copies of a Government publication, not confidential in character, required for sale to the public by the Superintendent of Documents, subject to regulation by the Joint Committee on Printing and without interference with the prompt execution of printing for the Government.

§ 1706. Printing and sale of extra copies of documents

The Public Printer shall furnish to applicants giving notice before the matter is put to press, not exceeding two hundred and fifty to any one applicant, copies of bills, reports, and documents. The applicants

shall pay in advance the price of the printing. The printing of these copies for private parties may not interfere with the printing for the Government.

§ 1707. Reprinting of documents required for sale

The Superintendent of Documents may order reprinted, from time to time, public documents required for sale, subject to the approval of the Secretary or head of the department in which the public document originated. The appropriation for printing and binding shall be reimbursed for the cost of reprints from the moneys received by the Superintendent of Documents from the sale of public documents.

§ 1708. Prices for sales copies of publications; crediting of receipts; resale by dealers; sales agents

The price at which additional copies of Government publications are offered for sale to the public by the Superintendent of Documents shall be based on the cost as determined by the Public Printer plus 50 percent. A discount of not to exceed 25 percent may be allowed to book dealers and quantity purchasers, but the printing may not interfere with prompt execution of work for the Government. Surplus receipts from sales shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts.

The Superintendent of Documents may prescribe terms and conditions under which he authorizes the resale of Government publications by book dealers, and he may designate any Government officer his agent for the sale of Government publications under regulations agreed upon by the Superintendent of Documents and the head of the respective department or establishment of the Government.

§ 1709. Blank forms: printing and sale to public

The Public Printer may print for sale by the Superintendent of Documents to the public, upon prepayment, additional copies of approved Government blank forms.

§ 1710. Index of documents: number and distribution

The Superintendent of Documents, at the close of each regular session of Congress, shall prepare and publish a comprehensive index of public documents, upon a plan approved by the Joint Committee on Printing. The Public Printer shall, immediately upon its publication, deliver to him a copy of every document printed by the Government Printing Office. The head of each executive department, independent agency and establishment of the Government shall deliver to him a copy of every document issued or published by the department, bureau, or office not confidential in character. He shall also prepare and print in one volume a consolidated index of Congressional documents, and shall index single volumes of documents as the Joint Committee on Printing directs. Two thousand copies each of the comprehensive index and of the consolidated index shall be printed and bound in addition to the usual number, two hundred for the Senate, eight hundred for the House of Representatives and one thousand for distribution by the Superintendent of Documents.

§ 1711. Catalog of Government publications

On the first day of each month the Superintendent of Documents shall prepare a catalog of Government publications which shall show the documents printed during the preceding month, where obtainable, and the price. Two thousand copies of the catalog shall be printed in pamphlet form for distribution.

§ 1712. Documents for use of the Public Printer

The Public Printer may retain out of all documents, bills, and resolutions printed the number of copies absolutely needful for the official use of the Government Printing Office, not exceeding five of each.

§ 1713. Documents to be delivered to the Executive Mansion

The Public Printer shall deliver to the Executive Mansion two copies of each document, bill, and resolution as soon as printed and ready for distribution.

§ 1714. Publications for use of General Services Administration

The Public Printer shall print and deliver to the General Services Administration for use by the Archivist of the United States, including use by the Presidential Library established for the President during whose term the documents were issued, which shall be chargeable to Congress three copies each of the following publications:

House documents and public reports, bound;

Senate documents and public reports, bound;

Senate and House journals, bound;

United States Code and Supplements, bound;

United States Statutes at Large, bound;

the United States Reports, bound;

all other documents bearing a congressional number, or printed upon order of a committee in either House of Congress, or of a department, independent agency or establishment, commission, or officer of the Government, except confidential matter, blank forms, and circular letters not of a public character; and

public bills and resolutions in Congress in each parliamentary stage.

The Superintendent of Documents shall furnish, without cost, copies of publications available for free distribution.

§ 1715. Publications for department or officer or for congressional committees

When printing not bearing a congressional number, except confidential matter, blank forms, and circular letters not of a public character, is done for a department or officer of the Government, or not of a confidential character, is done for use of congressional committees, two copies shall be sent, unless withheld by order of the committee, by the Public Printer to the Senate and House of Representatives libraries, respectively, and one copy each to the document rooms of the Senate and House of Representatives, for reference; and these copies may not be removed.

§ 1716. Public documents for legations and consulates of United States

Only books published by the Government, and usually known by the name of "Public Documents", may be supplied to a legation or consulate of the United States as are first designated by the Secretary of State, by an order to be recorded in the State Department, as suitable for and required by the legation and consulate.

§ 1717. Documents and reports for foreign legations

Documents and reports may be furnished to foreign legations to the United States upon request stating those desired and requisition upon the Public Printer by the Secretary of State. Gratuitous distribution may only be made to legations whose Governments furnish

to legations from the United States copies of their printed and legislative documents desired.

§ 1718. Distribution of Government publications to the Library of Congress

There shall be printed and furnished to the Library of Congress for official use in the District of Columbia, and for international exchange as provided by section 1719 of this title, not to exceed one hundred and fifty copies of:

- House documents and reports, bound;
- Senate documents and reports, bound;
- Senate and House journals, bound;
- public bills and resolutions;
- the United States Code and supplements, bound; and
- all other publications and maps which are printed, or otherwise reproduced, under authority of law, upon the requisition of a Congressional committee, executive department, bureau, independent office, establishment, commission, or officer of the Government.

Confidential matter, blank forms, and circular letters not of a public character shall be excepted.

In addition, there shall be delivered as printed to the Library of Congress:

- ten copies of each House document and report, unbound;
- ten copies of each Senate document and report, unbound; and
- ten copies of each private bill and resolution and fifty copies of the laws in slip form.

§ 1719. International exchange of Government publications

For the purpose of more fully carrying into effect the convention concluded at Brussels on March 15, 1886, and proclaimed by the President of the United States on January 15, 1889, there shall be supplied to the Library of Congress not to exceed one hundred and twenty-five copies each of all Government publications, including the daily and bound copies of the Congressional Record, for distribution, through the Smithsonian Institution, to foreign governments which agree to send to the United States similar publications of their governments for delivery to the Library of Congress.

§ 1720. Documents not needed by departments to be turned over to Superintendent of Documents

Public documents accumulating in the several executive departments, bureaus, and offices, not needed for official use, shall be turned over to the Superintendent of Documents annually for distribution or sale.

§ 1721. Exchange of documents by heads of departments

Heads of departments may exchange surplus documents for other documents and books required by them, when it is to the advantage of the public service.

§ 1722. Departmental distribution of publications

Government publications printed for or received by the executive departments, whether for official use or for distribution, except those required by section 1701 of this title to be distributed by the Public Printer, shall be distributed by a competent person detailed to this duty in each department by the head of the department. He shall prevent duplication and make detailed report to the head of the department.

CHAPTER 19—DEPOSITORY LIBRARY PROGRAM

Sec.

- 1901. Definition of Government publication.
- 1902. Availability of Government publications through Superintendent of Documents; lists of publications not ordered from Government Printing Office.
- 1903. Distribution of publications to depositories; notice to Government components; cost of printing and binding.
- 1904. Classified list of Government publications for selection by depositories.
- 1905. Distribution to depositories; designation of additional libraries; justification; authorization for certain designations.
- 1906. Land-grant colleges constituted depositories.
- 1907. Libraries of executive departments, service academies, and independent agencies constituted depositories; certifications of need; disposal of unwanted publications.
- 1908. American Antiquarian Society to receive certain publications.
- 1909. Requirements of depository libraries; reports on conditions; investigations; termination; replacement.
- 1910. Designations of replacement depositories; limitations on numbers; conditions.
- 1911. Free use of Government publications in depositories; disposal of unwanted publications.
- 1912. Regional depositories; designation; functions; disposal of publications.
- 1913. Appropriations for supplying depository libraries; restriction.
- 1914. Implementation of depository library program by Public Printer.

§ 1901. Definition of Government publication

“Government publication” as used in this chapter, means informational matter which is published as an individual document at Government expense, or as required by law.

§ 1902. Availability of Government publications through Superintendent of Documents; lists of publications not ordered from Government Printing Office

Government publications, except those determined by their issuing components to be required for official use only or for strictly administrative or operational purposes which have no public interest or educational value and publications classified for reasons of national security, shall be made available to depository libraries through the facilities of the Superintendent of Documents for public information. Each component of the Government shall furnish the Superintendent of Documents a list of such publications it issued during the previous month, that were obtained from sources other than the Government Printing Office.

§ 1903. Distribution of publications to depositories; notice to Government components; cost of printing and binding

Upon request of the Superintendent of Documents, components of the Government ordering the printing of publications shall either increase or decrease the number of copies of publications furnished for distribution to designated depository libraries and State libraries so that the number of copies delivered to the Superintendent of Documents is equal to the number of libraries on the list. The number thus delivered may not be restricted by any statutory limitation in force on August 9, 1962. Copies of publications furnished the Superintendent of Documents for distribution to designated depository libraries shall include—

- the journals of the Senate and House of Representatives;
- all publications, not confidential in character, printed upon the requisition of a congressional committee;
- Senate and House public bills and resolutions; and
- reports on private bills, concurrent or simple resolutions;

but not so-called cooperative publications which must necessarily be sold in order to be self-sustaining.

The Superintendent of Documents shall currently inform the components of the Government ordering printing of publications as to the number of copies of their publications required for distribution to depository libraries. The cost of printing and binding those publications distributed to depository libraries obtained elsewhere than from the Government Printing Office, shall be borne by components of the Government responsible for their issuance; those requisitioned from the Government Printing Office shall be charged to appropriations provided the Superintendent of Documents for that purpose.

§ 1904. Classified list of Government publications for selection by depositories

The Superintendent of Documents shall currently issue a classified list of Government publications in suitable form, containing annotations of contents and listed by item identification numbers to facilitate the selection of only those publications needed by depository libraries. The selected publications shall be distributed to depository libraries in accordance with regulations of the Superintendent of Documents, as long as they fulfill the conditions provided by law.

§ 1905. Distribution to depositories; designation of additional libraries; justification; authorization for certain designations

The Government publications selected from lists prepared by the Superintendent of Documents, and when requested from him, shall be distributed to depository libraries specifically designated by law and to libraries designated by Senators, Representatives, and the Resident Commissioner from Puerto Rico, by the Commissioner of the District of Columbia, and by the Governors of Guam, American Samoa, and the Virgin Islands, respectively. Additional libraries within areas served by Representatives or the Resident Commissioner from Puerto Rico may be designated by them to receive Government publications to the extent that the total number of libraries designated by them does not exceed two within each area. Not more than two additional libraries within a State may be designated by each Senator from the State. Before an additional library within a State, congressional district or the Commonwealth of Puerto Rico is designated as a depository for Government publications, the head of that library shall furnish his Senator, Representative, or the Resident Commissioner from Puerto Rico, as the case may be, with justification of the necessity for the additional designation. The justification, which shall also include a certification as to the need for the additional depository library designation, shall be signed by the head of every existing depository library within the congressional district or the Commonwealth of Puerto Rico or by the head of the library authority of the State or the Commonwealth of Puerto Rico, within which the additional depository library is to be located. The justification for additional depository library designations shall be transmitted to the Superintendent of Documents by the Senator, Representative, or the Resident Commissioner from Puerto Rico, as the case may be. The Commissioner of the District of Columbia may designate two depository libraries in the District of Columbia, the Governor of Guam and the Governor of American Samoa may each designate one depository library in Guam and American Samoa, respectively, and the Governor of the Virgin Islands may designate one depository library on the island of Saint Thomas and one on the island of Saint Croix.

§ 1906. Land-grant colleges constituted depositories

Land-grant colleges are constituted depositories to receive Government publications subject to the depository laws.

§ 1907. Libraries of executive departments, service academies, and independent agencies constituted depositories; certifications of need; disposal of unwanted publications

The libraries of the executive departments, of the United States Military Academy, of the United States Naval Academy, of the United States Air Force Academy, of the United States Coast Guard Academy, and of the United States Merchant Marine Academy are designated depositories of Government publications. A depository library within each independent agency may be designated upon certification of need by the head of the independent agency to the Superintendent of Documents. Additional depository libraries within executive departments and independent agencies may be designated to receive Government publications to the extent that the number so designated does not exceed the number of major bureaus or divisions of the departments and independent agencies. These designations may be made only after certification by the head of each executive department or independent agency to the Superintendent of Documents as to the justifiable need for additional depository libraries. Depository libraries within executive departments and independent agencies may dispose of unwanted Government publications after first offering them to the Library of Congress and the Archivist of the United States.

§ 1908. American Antiquarian Society to receive certain publications

One copy of the public journals of the Senate and of the House of Representatives, and of the documents published under the orders of the Senate and House of Representatives, respectively, shall be transmitted to the Executive of the Commonwealth of Massachusetts for the use and benefit of the American Antiquarian Society of the Commonwealth.

§ 1909. Requirements of depository libraries; reports on conditions; investigations; termination; replacement

Only a library able to provide custody and service for depository materials and located in an area where it can best serve the public need, and within an area not already adequately served by existing depository libraries may be designated by Senators, Representatives, the Resident Commissioner from Puerto Rico, the Commissioner of the District of Columbia, or the Governors of Guam, American Samoa, or the Virgin Islands as a depository of Government publications. The designated depository libraries shall report to the Superintendent of Documents at least every two years concerning their condition.

The Superintendent of Documents shall make firsthand investigation of conditions for which need is indicated and include the results of investigations in his annual report. When he ascertains that the number of books in a depository library is below ten thousand, other than Government publications, or it has ceased to be maintained so as to be accessible to the public, or that the Government publications which have been furnished the library have not been properly maintained, he shall delete the library from the list of depository libraries if the library fails to correct the unsatisfactory conditions within six months. The Representative or the Resident Commissioner from Puerto Rico in whose area the library is located or the Senator who made the designation, or a successor of the Senator, and, in the case of a library in the District of Columbia, the Commissioner of the District of Columbia, and, in the case of a library in Guam, American Samoa, or the Virgin Islands, the Governor, shall be notified and shall then be authorized to designate another library within the area served by him, which shall meet the conditions herein required, but which may not be in excess of the number of depository libraries authorized

by law within the State, district, territory, or the Commonwealth of Puerto Rico, as the case may be.

§ 1910. Designations of replacement depositories; limitations on numbers; conditions

The designation of a library to replace a depository library, other than a depository library specifically designated by law, may be made only within the limitations on total numbers specified by section 1905 of this title, and only when the library to be replaced ceases to exist, or when the library voluntarily relinquishes its depository status, or when the Superintendent of Documents determines that it no longer fulfills the conditions provided by law for depository libraries.

§ 1911. Free use of Government publications in depositories; disposal of unwanted publications

Depository libraries shall make Government publications available for the free use of the general public, and may dispose of them after retention for five years under section 1912 of this title, if the depository library is served by a regional depository library. Depository libraries not served by a regional depository library, or that are regional depository libraries themselves, shall retain Government publications permanently in either printed form or in microfacsimile form, except superseded publications or those issued later in bound form which may be discarded as authorized by the Superintendent of Documents.

§ 1912. Regional depositories; designation; functions; disposal of publications

Not more than two depository libraries in each State and the Commonwealth of Puerto Rico may be designated as regional depositories, and shall receive from the Superintendent of Documents copies of all new and revised Government publications authorized for distribution to depository libraries. Designation of regional depository libraries may be made by a Senator or the Resident Commissioner from Puerto Rico within the areas served by them, after approval by the head of the library authority of the State or the Commonwealth of Puerto Rico, as the case may be, who shall first ascertain from the head of the library to be so designated that the library will, in addition to fulfilling the requirements for depository libraries, retain at least one copy of all Government publications either in printed or microfacsimile form (except those authorized to be discarded by the Superintendent of Documents); and within the region served will provide interlibrary loan, reference service, and assistance for depository libraries in the disposal of unwanted Government publications. The agreement to function as a regional depository library shall be transmitted to the Superintendent of Documents by the Senator or the Resident Commissioner from Puerto Rico when the designation is made.

The libraries designated as regional depositories may permit depository libraries, within the areas served by them, to dispose of Government publications which they have retained for five years after first offering them to other depository libraries within their area, then to other libraries.

§ 1913. Appropriations for supplying depository libraries; restriction

Appropriations available for the Office of Superintendent of Documents may not be used to supply depository libraries documents, books, or other printed matter not requested by them, and their requests shall be subject to approval by the Superintendent of Documents.

§ 1914. Implementation of depository library program by Public Printer

The Public Printer, with the approval of the Joint Committee on Printing, as provided by section 103 of this title, may use any measures he considers necessary for the economical and practical implementation of this chapter.

CHAPTER 21—ARCHIVAL ADMINISTRATION

Sec.

- 2101. Definitions.
- 2102. Archivist of the United States.
- 2103. Acceptance of records for historical preservation.
- 2104. Responsibility for custody, use, and withdrawal of records.
- 2105. Preservation, arrangement, duplication, exhibition of records.
- 2106. Servicing records.
- 2107. Material accepted for deposit.
- 2108. Presidential archival depository.
- 2109. Depository for agreements between States.
- 2110. Preservation of motion-picture films, still pictures, and sound recordings.
- 2111. Reports; correction of violations.
- 2112. Legal status of reproductions; official seal; fees for copies and reproductions.
- 2113. Limitation on liability.
- 2114. Records of Congress.

§ 2101. Definitions

As used in sections 2103–2113 of this title—

“Presidential archival depository” means an institution operated by the United States to house and preserve the papers and books of a President or former President of the United States, together with other historical materials belonging to a President or former President of the United States, or related to his papers or to the events of his official or personal life;

“historical materials” including books, correspondence, documents, papers, pamphlets, works of art, models, pictures, photographs, plats, maps, films, motion pictures, sound recordings, and other objects or materials having historical or commemorative value.

§ 2102. Archivist of the United States

The Administrator of General Services shall appoint the Archivist of the United States.

§ 2103. Acceptance of records for historical preservation

When it appears to the Administrator of General Services to be in the public interest, he may—

(1) accept for deposit with the National Archives of the United States the records of a Federal agency or of the Congress determined by the Archivist of the United States to have sufficient historical or other value to warrant their continued preservation by the United States Government;

(2) direct and effect the transfer to the National Archives of the United States of records of a Federal agency that have been in existence for more than fifty years and determined by the Archivist of the United States to have sufficient historical or other value to warrant their continued preservation by the United States Government, unless the head of the agency which has custody of them certifies in writing to the Administrator that they must be retained in his custody for use in the conduct of the regular current business of the agency;

(3) direct and effect, with the approval of the head of the originating agency, or if the existence of the agency has been terminated, then with the approval of his successor in function, if any, the transfer of records deposited or approved for deposit

with the National Archives of the United States to public or educational institutions or associations; title to the records to remain vested in the United States unless otherwise authorized by Congress; and

(4) transfer materials from private sources authorized to be received by the Administrator by section 3106 of this title.

§ 2104. Responsibility for custody, use, and withdrawal of records

The Administrator of General Services shall be responsible for the custody, use, and withdrawal of records transferred to him. When records, the use of which is subject to statutory limitations and restrictions, are so transferred, permissive and restrictive statutory provisions with respect to the examination and use of records applicable to the head of the agency from which the records were transferred or to employees of that agency are applicable to the Administrator, the Archivist of the United States, and to the employees of the General Services Administration, respectively. When the head of an agency states in writing restrictions that appear to him to be necessary or desirable in the public interest on the use or examination of records being considered for transfer from his custody to the Administrator, the Administrator shall impose the restrictions on the records so transferred, and may not remove or relax the restrictions without the concurrence in writing of the head of the agency from which the material was transferred, or of his successor in function, if any. Statutory and other restrictions referred to in this section shall remain in force until the records have been in existence for fifty years unless the Administrator by order determines as to specific bodies of records that the restrictions shall remain in force for a longer period. Restriction on the use or examination of records deposited with the National Archives of the United States imposed by section 3 of the National Archives Act, approved June 19, 1934, shall continue in force regardless of the expiration of the tenure of office of the official who imposed them but may be removed or relaxed by the Administrator with the concurrence in writing of the head of the agency from which material was transferred or of his successor in function, if any.

48 Stat. 1122;
64 Stat. 590.

§ 2105. Preservation, arrangement, duplication, exhibition of records

The Administrator of General Services shall provide for the preservation, arrangement, repair and rehabilitation, duplication and reproduction (including microcopy publications), description, and exhibition of records or other documentary material transferred to him as may be needful or appropriate, including the preparation and publication of inventories, indexes, catalogs, and other finding aids or guides to facilitate their use. He may also prepare guides and other finding aids to Federal records and, when approved by the National Historical Publications Commission, publish such historical works and collections of sources as seem appropriate for printing or otherwise recording at the public expense.

§ 2106. Servicing records

The Administrator of General Services shall provide and maintain facilities he considers necessary or desirable for servicing records in his custody that are not exempt from examination by statutory or other restrictions.

§ 2107. Material accepted for deposit

When the Administrator of General Services considers it to be in the public interest he may accept for deposit—

(1) the papers and other historical materials of a President or former President of the United States, or other official or

former official of the Government, and other papers relating to and contemporary with a President or former President of the United States, subject to restrictions agreeable to the Administrator as to their use; and

(2) documents, including motion-picture films, still pictures, and sound recordings, from private sources that are appropriate for preservation by the Government as evidence of its organization, functions, policies, decisions, procedures, and transactions.

§ 2108. Presidential archival depository

(a) When the Administrator of General Services considers it to be in the public interest he may accept, for and in the name of the United States, land, buildings, and equipment offered as a gift to the United States for the purposes of creating a Presidential archival depository, and take title to the land, buildings, and equipment on behalf of the United States, and maintain, operate, and protect them as a Presidential archival depository, and as part of the national archives system; and make agreements, upon terms and conditions he considers proper, with a State, political subdivision, university, institution of higher learning, institute, or foundation to use as a Presidential archival depository land, buildings, and equipment of the State, subdivision, university, or other organization, to be made available by it without transfer of title to the United States, and maintain, operate, and protect the depository as a part of the national archives system.

The Administrator shall submit a report in writing on a proposed Presidential archival depository to the President of the Senate and the Speaker of the House of Representatives, and include—

Report to
Congress.

a description of the land, buildings, and equipment offered as a gift or to be made available without transfer of title;

a statement of the terms of the proposed agreement, if any;

a general description of the types of papers, documents, or other historical materials proposed to be deposited in the Presidential archival depository so to be created, and of the terms of the proposed deposit;

a statement of the additional improvements and equipment, if any, necessary to the satisfactory operation of the depository, together with an estimate of the cost; and

an estimate of the annual cost to the United States of maintaining, operating, and protecting the depository.

The Administrator may not take title to land, buildings, and equipment or make an agreement, until the expiration of the first period of 60 calendar days of continuous session of the Congress following the date on which the report is transmitted, computed as follows:

Continuity of session is broken only by an adjournment sine die, but the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded.

(b) When the Administrator considers it to be in the public interest, he may deposit in a Presidential archival depository papers, documents, or other historical materials accepted under section 3106 of this title, or Federal records appropriate for preservation.

(c) When the Administrator considers it to be in the public interest, he may exercise, with respect to papers, documents, or other historical materials deposited under this section, or otherwise, in a Presidential archival depository, all the functions and responsibilities otherwise vested in him pertaining to Federal records or other documentary materials in his custody or under his control. The Administrator, in negotiating for the deposit of Presidential historical materials, shall take steps to secure to the Government, as far as possible, the right to have continuous and permanent possession of the materials. Papers,

Restrictions.	documents, or other historical materials accepted and deposited under section 3106 of this title and this section are subject to restrictions as to their availability and use stated in writing by the donors or depositors, including the restriction that they shall be kept in a Presidential archival depository. The restrictions shall be respected for the period stated, or until revoked or terminated by the donors or depositors or by persons legally qualified to act on their behalf. Subject to the restrictions, the Administrator may dispose by sale, exchange, or otherwise, of papers, documents, or other materials which the Archivist determines to have no permanent value or historical interest or to be surplus to the needs of a Presidential archival depository.
Records disposal.	
Assistance to universities, etc.	(d) When the Administrator considers it to be in the public interest, he may cooperate with and assist a university, institution of higher learning, institute, foundation, or other organization or qualified individual to further or to conduct study or research in historical materials deposited in a Presidential archival depository.
Fees.	(e) When the Administrator considers it to be in the public interest, he may charge and collect reasonable fees for the privilege of visiting and viewing exhibit rooms or museum space in a Presidential archival depository.
Office space for former President of U.S.	(f) When the Administrator considers it to be in the public interest, he may provide reasonable office space in a Presidential archival depository for the personal use of a former President of the United States.
Gifts, bequests, etc., acceptance.	(g) When the Administrator considers it be in the public interest, he may accept gifts or bequests of money or other property for the purpose of maintaining, operating, protecting, or improving a Presidential archival depository. The proceeds of gifts or bequests, together with the proceeds from fees or from sales of historical materials, copies or reproductions, catalogs, or other items, having to do with a Presidential archival depository, shall be paid into the National Archives Trust Fund to be held, administered, and expended for the benefit and in the interest of the Presidential archival depository in connection with which they were received, including administrative and custodial expenses as the Administrator determines.

§ 2109. Depository for agreements between States

Duplicate originals. The Administrator of General Services may receive duplicate originals or authenticated copies of agreements or compacts entered into under the Constitution and laws of the United States, between States of the Union, and take necessary actions for their preservation and servicing.

§ 2110. Preservation of motion-picture films, still pictures, and sound recordings

The Administrator of General Services may make and preserve motion-picture films, still pictures, and sound recordings pertaining to and illustrative of the historical development of the United States Government and its activities, and provide for preparing, editing, titling, scoring, processing, duplicating, reproducing, exhibiting, and releasing for non-profit educational purposes, motion-picture films, still pictures, and sound recordings in his custody.

§ 2111. Reports; correction of violations

(a) When the Administrator of General Services considers it necessary, he may obtain reports from Federal agencies on their activities under chapters 21, 25, 27, 29, 31, and 33 of this title.

(b) When the Administrator finds that a provision of chapter 21, 25, 27, 29, or 31 of this title has been or is being violated, he shall in-

form in writing the head of the agency concerned of the violation and make recommendations for its correction. Unless corrective measures satisfactory to the Administrator are inaugurated within a reasonable time, the Administrator shall submit a written report of the matter to the President and the Congress.

Report to President and Congress.

§ 2112. Legal status of reproductions; official seal; fees for copies and reproductions

(a) When records that are required by statute to be retained indefinitely have been reproduced by photographic, microphotographic, or other processes, in accordance with standards established by the Administrator of General Services the indefinite retention by the photographic, microphotographic, or other reproductions constitutes compliance with the statutory requirement for the indefinite retention of the original records. The reproductions, as well as reproductions made under regulations to carry out chapter 21, 29, and 31 of this title, shall have the same legal status as the originals.

(b) There shall be an official seal for the National Archives of the United States which shall be judicially noticed. When a copy or reproduction, furnished under this section, is authenticated by the official seal and certified by the Administrator, the copy or reproduction shall be admitted in evidence equally with the original from which it was made.

(c) The Administrator may charge a fee not in excess of 10 percent above the costs or expenses for making or authenticating copies or reproductions of materials transferred to his custody. Fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund. He may not charge for making or authenticating copies or reproductions of materials for official use by the United States Government. Reimbursement may be accepted to cover the cost of furnishing copies or reproductions that could not otherwise be furnished.

Fee limitation.

Restriction.

Reimbursement for copies.

§ 2113. Limitation on liability

When letters and other intellectual productions, exclusive of material copyrighted or patented, come into the custody or possession of the Administrator of General Services, the United States or its agents are not liable for infringement of literary property rights or analogous rights arising out of use of the materials for display, inspection, research, reproduction, or other purposes.

§ 2114. Records of Congress

The Secretary of the Senate and the Clerk of the House of Representatives, acting jointly, shall obtain at the close of each Congress all the noncurrent records of the Congress and of each congressional committee and transfer them to the General Services Administration for preservation, subject to the orders of the Senate or the House of Representatives, respectively.

Transmittal to GSA.

CHAPTER 23—NATIONAL ARCHIVES TRUST FUND BOARD

Sec.

2301. Establishment of Board; membership.

2302. Authority of Board; seal; employees; bylaws, rules, regulations.

2303. Powers and obligations of Board; liability of members.

2304. Compensation of members; availability of trust funds for expenses of Board.

2305. Acceptance of gifts.

2306. Investment of funds.

2307. Trust fund account; disbursements; sales of publications and releases.

2308. Tax exemption for gifts.

§ 2301. Establishment of Board; membership

The National Archives Trust Fund Board shall consist of the Archivist of the United States, as Chairman, and the chairman of the House of Representatives, Committee on Post Office and Civil Service and the chairman of the Senate Committee on Post Office and Civil Service. The authority of the Administrator of General Services under section 754 of title 40 to regroup, transfer, and distribute functions within the General Services Administration does not extend to the Board or its functions. Membership on the Board is not an office within the meaning of the statutes of the United States.

63 Stat. 381.

§ 2302. Authority of Board; seal; employees; bylaws, rules, regulations

In carrying out the purposes of this chapter, the Board may—

- (1) adopt an official seal, which shall be judicially noticed;
- (2) appoint, or authorize the Chairman to appoint, without regard to the civil-service laws, necessary employees, and fix their duties; and
- (3) adopt bylaws, rules, and regulations necessary for the administration of its functions under this chapter.

§ 2303. Powers and obligations of Board; liability of members

The Board shall have all the usual powers and obligations of a trustee with respect to property and funds administered by it, but the members of the Board are not personally liable, except for malfeasance.

§ 2304. Compensation of members; availability of trust funds for expenses of Board

Compensation may not be paid to the members of the Board for their services as members. Costs incurred by the Board in carrying out its duties under this chapter, including the expenditures necessarily made by the members of the Board in the performance of their duties and the compensation of persons employed by the Board, shall be paid out of income from trust funds available to the Board for the purpose. Unless otherwise restricted by the instrument of gift or bequest, the Board, by resolution, may authorize the Chairman to use for these purposes, or for any other purpose for which funds may be expended under this chapter, the principal of a gift or bequest accepted under this chapter.

§ 2305. Acceptance of gifts

The Board may accept, receive, hold, and administer gifts or bequests of money, securities, or other personal property, for the benefit of or in connection with the national archival and records activities administered by the General Services Administration as may be approved by the Board.

§ 2306. Investment of funds

The Secretary of the Treasury shall receipt for moneys or securities composing trust funds given or bequeathed to the Board and shall invest, reinvest, and retain the moneys or securities as the Board from time to time determines. The Board may not engage in business or exercise a voting privilege which may be incidental to securities in such trust funds, nor may the Secretary of the Treasury make investments for the account of the Board which could not lawfully be made by a trust company in the District of Columbia, unless directly authorized by the instrument of gift or bequest under which the funds to be invested are derived, and may retain investments accepted by the Board.

§ 2307. Trust fund account; disbursements; sales of publications and releases

The income from trust funds held by the Board, and the proceeds from the sale of securities and other personal property, as and when collected, shall be covered into the Treasury of the United States in a trust fund account to be known as the National Archives Trust Fund, subject to disbursement by the Division of Disbursement, Treasury Department, on the basis of certified vouchers of the Chairman or his authorized agent, unless otherwise restricted by the instrument of gift or bequest, for and in the interest of the national archival and records activities administered by the General Services Administration, including but not restricted to the preparation and publication of special works and collections of sources and the preparation, duplication, editing, and release of historical photographic materials and sound recordings. The Chairman may sell publications and releases authorized by this section and paid for out of the income derived from trust funds at a price which will cover their cost plus 10 percent, and moneys received from these sales shall be paid into, administered, and expended as part of the National Archives Trust Fund.

§ 2308. Tax exemption for gifts

Gifts and bequests received by the Board under this chapter, and the income from them are exempt from taxes.

CHAPTER 25—NATIONAL HISTORICAL PUBLICATIONS COMMISSION

Sec.

2501. Creation; composition; appointment and tenure.

2502. Vacancies.

2503. Executive director; editorial and clerical staff; reimbursement of members for transportation expenses; honorarium.

2504. Duties; authorization of grants for collection, reproduction, and publication of documentary historical source material.

2505. Special advisory committees; membership; reimbursement.

2506. Records to be kept by grantees.

2507. Report to Congress.

§ 2501. Creation; composition; appointment and tenure

The National Historical Publications Commission shall consist of the Archivist of the United States (or an alternate designated by him), who shall be Chairman; the Librarian of Congress (or an alternate designated by him); one Senator to be appointed, for a term of four years, by the President of the Senate; one Representative to be appointed, for a term of two years, by the Speaker of the House of Representatives; one member of the judicial branch of the Government to be appointed, for a term of four years, by the Chief Justice of the United States; one representative of the Department of State to be appointed, for a term of four years, by the Secretary of State; one representative of the Department of Defense to be appointed, for a term of four years, by the Secretary of Defense; two members of the American Historical Association to be appointed for terms of four years by the council of the Association; and two other members outstanding in the fields of the social or physical sciences to be appointed for terms of four years by the President of the United States.

The Commission shall meet annually and on call of the Chairman.

The authority of the Administrator of General Services under section 754 of title 40 to regroup, transfer, and distribute functions within the General Services Administration does not extend to the Commission or its functions.

§ 2502. Vacancies

A person appointed to fill a vacancy in the membership of the Commission shall be appointed only for the unexpired term of the member whom he succeeds, and his appointment shall be made in the same manner as the appointment of his predecessor.

§ 2503. Executive director ; editorial and clerical staff ; reimbursement of members for transportation expenses ; honorarium

The Commission may appoint, without reference to chapter 51 of title 5, an executive director and such editorial and clerical staff as it determines to be necessary. Members of the Commission who represent a branch or agency of the Government shall serve as members of the Commission without additional compensation. All members of the Commission shall be reimbursed for transportation expenses incurred in attending meetings of the Commission, and members other than those who represent a branch or agency of the Government of the United States shall receive instead of subsistence en route to or from or at the place of service, for each day actually spent in connection with the performance of their duties as members of the Commission, a sum, not to exceed \$25, as the Commission prescribes.

§ 2504. Duties ; authorization of grants for collection, reproduction, and publication of documentary historical source material

The Commission shall make plans, estimates, and recommendations for historical works and collections of sources, it considers appropriate for printing or otherwise recording at the public expense. It shall also cooperate with and encourage appropriate Federal, State, and local agencies and nongovernmental institutions, societies, and individuals in collecting and preserving and, when it considers it desirable, in editing and publishing the papers of outstanding citizens of the United States, and other documents as may be important for an understanding and appreciation of the history of the United States. The Administrator of General Services may, within the limits of available appropriated and donated funds, make allocations to Federal agencies, and grants to State and local agencies and to non-profit organizations and institutions, for the collecting, describing, preserving and compiling, and publishing (including microfilming and other forms of reproduction) of documentary sources significant to the history of the United States. Before making allocations and grants, the Administrator should seek the advice and recommendations of the National Historical Publications Commission. The Chairman of the Commission shall transmit to the Administrator from time to time, and at least annually, plans, estimates, and recommendations approved by the Commission.

§ 2505. Special advisory committees ; membership ; reimbursement

The Commission may establish special advisory committees to consult with and make recommendations to it, from among the leading historians, political scientists, archivists, librarians, and other specialists of the Nation. Members of special advisory committees shall be reimbursed for transportation and other expenses on the same basis as members of the Commission.

§ 2506. Records to be kept by grantees

(a) Each recipient of grant assistance under section 2504 of this title shall keep such records as the Administrator of General Services prescribes, including records which fully disclose the amount and disposition by the recipient of the proceeds of the grants, the total cost of the project or undertaking in connection with which funds are given or

used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and any other records as will facilitate an effective audit.

(b) The Administrator and the Comptroller General of the United States or their authorized representatives shall have access for the purposes of audit and examination to books, documents, papers, and records of the recipients that are pertinent to the grants received under section 2504 of this title.

§ 2507. Report to Congress

The Administrator of General Services shall make an annual report to the Congress concerning projects undertaken and carried out under section 2504 of this title, including detailed information concerning the receipt and use of all appropriated and donated funds made available to him.

CHAPTER 27—FEDERAL RECORDS COUNCIL

Sec.

2701. Establishment; composition; chairman.

§ 2701. Establishment; composition; chairman

The Administrator of General Services shall establish a Federal Records Council, and shall advise and consult with the Council with a view to obtaining its advice and assistance in carrying out the purposes of chapters 21, 25, 27, 29, and 31 of this title. The Council shall include representatives of the legislative, judicial, and executive branches of the Government in such number as the Administrator determines, but at least four representatives of the legislative branch, at least two representatives of the judicial branch, and at least six representatives of the executive branch. Members of the Council representing the legislative branch shall be designated, in equal number, by the President of the Senate and the Speaker of the House of Representatives, respectively. Members of the Council representing the judicial branch shall be designated by the Chief Justice of the United States. The Administrator may designate from persons named by the head of an executive agency concerned, not more than one representative from the agency to serve as a member of the Council. Members of the Council shall serve without compensation, but shall be reimbursed for all necessary expenses actually incurred in the performance of the duties as members of the Council.

The Council shall elect a chairman from among its own membership, and shall meet at least annually.

CHAPTER 29—RECORDS MANAGEMENT BY ADMINISTRATOR OF GENERAL SERVICES

Sec.

2901. Definitions.

2902. Records management, surveys, and reports.

2903. Custody and control of property.

2904. Records management by Administrator; duties generally.

2905. Establishment of standards for selective retention of records; security measures.

2906. Personal inspection and survey of records.

2907. Records centers for storage, process, and servicing of records.

2908. Regulations.

2909. Retentions of records.

2910. Final authority of Administrator in records practices.

§ 2901. Definitions

As used in chapters 25 and 27, sections 2901, 2903–2910, chapter 31, and sections 2101–2115 of this title—

“records” has the meaning given by section 3301 of this title;

“records center” means an establishment maintained by the

Administrator of General Services or by a Federal agency primarily for the storage, servicing, security, and processing of records that must be preserved for varying periods of time and need not be retained in office equipment and space;

“servicing” means making available for use information in records and other materials in the custody of the Administrator—

(1) by furnishing the records or other materials, or information from them, or copies or reproductions thereof, to agencies of the Government for official use, and to the public; and

(2) by making and furnishing authenticated or unauthenticated copies or reproductions of the records and other materials;

“National Archives of the United States” means those official records that have been determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government, and have been accepted by the Administrator for deposit in his custody;

“unauthenticated copies” means exact copies or reproductions of records or other materials that are not certified as such under seal and that need not be legally accepted as evidence.

§ 2902. Records management, surveys, and reports

The Administrator of General Services may—

(1) make surveys of Government records and records management and disposal practices and obtain reports on them from Federal agencies;

(2) promote, in cooperation with the executive agencies, improved records management practices and controls in agencies, including the central storage or disposition of records not needed by agencies for their current use; and

(3) report to the Congress and the Director of the Bureau of the Budget from time to time the results of these activities.

§ 2903. Custody and control of property

The Administrator shall have immediate custody and control of the National Archives Building and its contents, and may design, construct, purchase, lease, maintain, operate, protect, and improve buildings used by him for the storage of records of Federal agencies in the District of Columbia and elsewhere.

§ 2904. Records management by Administrator; duties generally

The Administrator of General Services shall provide for the economical and efficient management of records of Federal agencies by—

(1) analyzing, developing, promoting, and coordinating standards, procedures, and techniques designed to improve the management of records, to insure the maintenance and security of records deemed appropriate for preservation, and to facilitate the segregation and disposal of records of temporary value, and

(2) promoting the efficient and economical utilization of space, equipment, and supplies needed to create, maintain, store, and service records.

§ 2905. Establishment of standards for selective retention of records; security measures

The Administrator of General Services shall establish standards for the selective retention of records of continuing value, and assist Federal agencies in applying the standards to records in their custody. He shall notify the head of a Federal agency of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of the agency that shall come to his attention,

and assist the head of the agency in initiating action through the Attorney General for the recovery of records unlawfully removed and for other redress provided by law.

§ 2906. Personal inspection and survey of records

The Administrator of General Services may inspect or survey personally or by deputy the records of any Federal agency, and make surveys of records management and records disposal practices in agencies. Officials and employees of agencies shall give him full cooperation in inspections and surveys. Records, the use of which is restricted by law or for reasons of national security or the public interest, shall be inspected or surveyed in accordance with regulation promulgated by the Administrator, subject to the approval of the head of the custodial agency.

§ 2907. Records centers for storage, process, and servicing of records

The Administrator of General Services may establish, maintain, and operate—

(1) records centers for the storage, processing, and servicing of records for Federal agencies pending their deposit with the National Archives of the United States or their disposition in any other manner authorized by law; and

(2) centralized microfilming services for Federal agencies.

§ 2908. Regulations

Subject to applicable law, the Administrator of General Services shall promulgate regulations governing the transfer of records from the custody of one executive agency to that of another.

§ 2909. Retention of records

The Administrator of General Services may empower a Federal agency, upon the submission of evidence of need, to retain records for a longer period than that specified in disposal schedules approved by Congress; and, in accordance with regulations promulgated by him, may withdraw disposal authorizations covering records listed in disposal schedules approved by Congress.

§ 2910. Final authority of Administrator in records practices

The Administrator of General Services shall have final authority in matters involving the conduct of surveys of Government records, and records creation, maintenance, management and disposal practices in Federal agencies, under sections 2904–2909 and 3101–3107 of this title, and the implementation of recommendations based on surveys.

CHAPTER 31—RECORDS MANAGEMENT BY FEDERAL AGENCIES

Sec.

3101. Records management by agency heads; general duties.

3102. Establishment of program of management.

3103. Storage, processing, and servicing of records.

3104. Certifications and determinations on transferred records.

3105. Safeguards.

3106. Unlawful removal, destruction of records.

3107. Authority of Comptroller General.

§ 3101. Records management by agency heads; general duties

The head of each Federal agency shall make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency's activities.

§ 3102. Establishment of program of management

The head of each Federal agency shall establish and maintain an active, continuing program for the economical and efficient management of the records of the agency. The program, among other things, shall provide for

(1) effective controls over the creation, maintenance, and use of records in the conduct of current business;

(2) cooperation with the Administrator of General Services in applying standards, procedures, and techniques designed to improve the management of records, promote the maintenance and security of records deemed appropriate for preservation, and facilitate the segregation and disposal of records of temporary value; and

(3) compliance with sections 2101–2113, 2501–2507, 2701, 2901, 2903–2909, and 3101–3107, of this title and the regulations issued under them.

§ 3103. Storage, processing, and servicing of records

When the head of a Federal agency determines that it may effect substantial economies or increased operating efficiency, he shall provide for appropriate storage, processing, and servicing of records in a records center maintained and operated by the Administrator of General Services or, when approved by him, in a center maintained and operated by the head of the Federal agency.

§ 3104. Certifications and determinations on transferred records

An official of the Government who is authorized to certify to facts on the basis of records in his custody, may certify to facts on the basis of records that have been transferred by him or his predecessors to the Administrator of General Services, and may authorize the Administrator to certify to facts and to make administrative determinations on the basis of records transferred to the Administrator, notwithstanding any other law.

§ 3105. Safeguards

The head of each Federal agency shall establish safeguards against the removal or loss of records he determines to be necessary and required by regulations of the Administrator of General Services. Safeguards shall include making it known to officials and employees of the agency—

(1) that records in the custody of the agency are not to be alienated or destroyed except in accordance with sections 3301–3314 of this title, and

(2) the penalties provided by law for the unlawful removal or destruction of records.

§ 3106. Unlawful removal, destruction of records

The head of each Federal agency shall notify the Administrator of General Services of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of the agency of which he is the head that shall come to his attention, and with the assistance of the Administrator shall initiate action through the Attorney General for the recovery of records he knows or has reason to believe have been unlawfully removed from his agency, or from another Federal agency whose records have been transferred to his legal custody.

§ 3107. Authority of Comptroller General

Sections 2101–2113, 2501–2507, 2701, 2901, 2904–2910, and 3101–3107, of this title do not limit the authority of the Comptroller General of the United States with respect to prescribing accounting systems,

forms, and procedures, or lessen the responsibility of collecting and disbursing officers for rendition of their accounts for settlement by the General Accounting Office.

CHAPTER 33—DISPOSAL OF RECORDS

Sec.

- 3301. Definition of records.
- 3302. Regulations covering lists of records for disposal, procedure for disposal, and standards for reproduction; approval by President.
- 3303. Lists and schedules of records to be submitted to Administrator of General Services by head of each Government agency.
- 3304. Lists and schedules of records lacking preservation value; submission to Congress by Administrator of General Services.
- 3305. Examination of lists and schedules by joint congressional committee and report to Congress.
- 3306. Disposal of records by head of Government agency upon notification by Administrator of General Services of action by joint congressional committee.
- 3307. Disposal of records upon failure of joint congressional committee to act.
- 3308. Disposal of similar records where prior disposal was authorized.
- 3309. Preservation of claims of Government until settled in General Accounting Office; disposal authorized upon written approval of Comptroller General.
- 3310. Disposal of records constituting menace to health, life, or property.
- 3311. Destruction of records outside continental United States in time of war or when hostile action seems imminent; written report to Administrator of General Services.
- 3312. Photographs or microphotographs of records considered as originals; certified reproductions admissible in evidence.
- 3313. Moneys from sale of records payable into the Treasury.
- 3314. Procedures for disposal of records exclusive.

§ 3301. Definition of records

As used in this chapter, "records" includes all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included.

§ 3302. Regulations covering lists of records for disposal, procedure for disposal, and standards for reproduction; approval by President

The Administrator of General Services shall promulgate regulations, not inconsistent with this chapter, establishing—

- (1) procedures for the compiling and submitting to him of lists and schedules of records proposed for disposal,
- (2) procedures for the disposal of records authorized for disposal, and
- (3) standards for the reproduction of records by photographic or microphotographic processes with a view to the disposal of the original records.

§ 3303. Lists and schedules of records to be submitted to Administrator of General Services by head of each Government agency

The head of each agency of the United States Government shall submit to the Administrator of General Services, under regulations promulgated as provided by section 3302 of this title—

(1) lists of any records in the custody of the agency that have been photographed or microphotographed under the regulations and that, as a consequence, do not appear to have sufficient value to warrant their further preservation by the Government;

(2) lists of other records in the custody of the agency not needed by it in the transaction of its current business and that do not appear to have sufficient administrative, legal, research, or other value to warrant their further preservation by the Government; and

(3) schedules proposing the disposal after the lapse of specified periods of time of records of a specified form or character that either have accumulated in the custody of the agency or may accumulate after the submission of the schedules and apparently will not after the lapse of the period specified have sufficient administrative, legal, research, or other value to warrant their further preservation by the Government.

§ 3304. Lists and schedules of records lacking preservation value; submission to Congress by Administrator of General Services

The Administrator of General Services shall submit to Congress when he considers it expedient, the lists or schedules submitted to him under section 3303 of this title, or parts of those lists or schedules, and lists or schedules of records in his legal custody, when it appears to him that the records listed in the lists or schedules do not, or will not after the lapse of the period specified, have sufficient administrative legal, research, or other value to warrant their continued preservation by the United States Government. The Administrator may not submit to Congress lists or schedules of records of any existing agency of the Government in his legal custody without first having obtained the written consent of the head of the agency.

The Administrator may also submit to Congress, when he considers it expedient, schedules proposing the disposal, after the lapse of specified periods of time, of records of a specified form or character common to several or all agencies that either have accumulated or may accumulate in these agencies and that apparently will not, after the lapse of the periods specified, have sufficient administrative legal, research, or other value to warrant their further preservation by the United States Government.

§ 3305. Examination of lists and schedules by joint congressional committee and report to Congress

When the Administrator of General Services submits lists or schedules to Congress, the presiding officer of the Senate shall appoint two Senators who, with the members of the subcommittee on the Disposition of Executive Papers of the House of Representatives Committee on House Administration, shall constitute a joint committee to which lists or schedules shall be referred, and the joint committee shall examine them and submit to the Senate and House of Representatives, respectively, a report of its examination and its recommendations.

§ 3306. Disposal of records by head of Government agency upon notification by Administrator of General Services of action by joint congressional committee

If the joint congressional committee reports that any of the records listed in a list or schedule referred to it do not, or will not after the lapse of the period specified, have sufficient administrative, legal, research, or other value to warrant their continued preservation by the Government, the Administrator of General Services shall notify the agency having the records in its custody of the action of the joint committee, and the agency shall cause the records to be disposed of

in accordance with regulations promulgated under section 3302 of this title. Authorizations granted under schedules submitted under the last paragraph of section 3304 of this title shall be permissive and not mandatory.

§ 3307. Disposal of records upon failure of joint congressional committee to act

If the joint congressional committee does not report during a regular or special session of Congress on a list or schedule submitted to Congress by the Administrator of General Services at least ten days before adjournment of the session, the Administrator may empower an agency having in its custody records covered by the lists or schedules to dispose of them in accordance with regulations under section 3302 of this title.

§ 3308. Disposal of similar records where prior disposal was authorized

When it appears to the Administrator of General Services that an agency has in its custody, or is accumulating, records of the same form or character as those of the same agency previously authorized by Congress to be disposed of, he may empower the head of the agency to dispose of the records, after they have been in existence a specified period of time, in accordance with regulations promulgated under section 3302 of this title and without listing or scheduling them.

§ 3309. Preservation of claims of Government until settled in General Accounting Office; disposal authorized upon written approval of Comptroller General

Records pertaining to claims and demands by or against the Government of the United States or to accounts in which the Government of the United States is concerned, either as debtor or creditor, may not be disposed of by the head of an agency under authorization granted under sections 3306–3308 of this title, until the claims, demands, and accounts have been settled and adjusted in the General Accounting Office, except upon the written approval of the Comptroller General of the United States.

§ 3310. Disposal of records constituting menace to health, life, or property

When the Administrator of General Services and the head of the agency that has custody of them jointly determine that records in the custody of an agency of the United States Government are a continuing menace to human health or life or to property, the Administrator shall eliminate the menace immediately by any method he considers necessary. When records in the custody of the Administrator are disposed of under this section, the Administrator shall report their disposal to the agency from which they were transferred.

§ 3311. Destruction of records outside continental United States in time of war or when hostile action seems imminent; written report to Administrator of General Services

During a state of war between the United States and another nation, or when hostile action by a foreign power appears imminent, the head of an agency of the United States Government may authorize the destruction of records in his legal custody situated in a military or naval establishment, ship, or other depository outside the territorial limits of continental United States—

- (1) the retention of which would be prejudicial to the interests of the United States or

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(2) which occupy space urgently needed for military purposes and are, in his opinion, without sufficient administrative, legal, research, or other value to warrant their continued preservation. Within six months after their disposal, the official who directed the disposal shall submit a written report to the Administrator of General Services in which he shall describe the character of the records and state when and where he disposed of them.

§ 3312. Photographs or microphotographs of records considered as originals; certified reproductions admissible in evidence

Photographs or microphotographs of records made in compliance with regulations under section 3302 of this title shall have the same effect as the originals and shall be treated as originals for the purpose of their admissibility in evidence. Certified or authenticated reproductions of the photographs or microphotographs shall be admitted in evidence equally with the original photographs or microphotographs.

§ 3313. Moneys from sale of records payable into the Treasury

Moneys derived by agencies of the Government from the sale of records disposed of under this chapter shall be paid into the Treasury of the United States unless otherwise required by law.

§ 3314. Procedures for disposal of records exclusive

The procedures prescribed by this chapter are exclusive, and records of the United States Government may not be alienated or destroyed except under this chapter.

CHAPTER 35—COORDINATION OF FEDERAL REPORTING SERVICES

Sec.

3501. Information for Federal agencies.

3502. Definitions.

3503. Duties of Director of the Bureau of the Budget.

3504. Designation of central collection agency.

3505. Independent collection by an agency prohibited.

3506. Determination of necessity for information; hearing.

3507. Cooperation of agencies in making information available.

3508. Unlawful disclosure of information; penalties; release of information to other agencies.

3509. Plans or forms for collecting information; submission to Director; approval.

3510. Rules and regulations.

3511. Penalty for failure to furnish information.

§ 3501. Information for Federal agencies

Information needed by Federal agencies shall be obtained with a minimum burden upon business enterprises, especially small business enterprises, and other persons required to furnish the information, and at a minimum cost to the Government. Unnecessary duplication of efforts in obtaining information through the use of reports, questionnaires, and other methods shall be eliminated as rapidly as practicable. Information collected and tabulated by a Federal agency shall, as far as is expedient, be tabulated in a manner to maximize the usefulness of the information to other Federal agencies and the public.

§ 3502. Definitions

As used in this chapter—

“Federal agency” means an executive department, commission, independent establishment, corporation owned or controlled by the United States, board, bureau, division, service, office, authority, or administration in the executive branch of the Government; but does not include the General Accounting Office nor the gov-

ernments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions; "person" means an individual, partnership, association, corporation, business trust, or legal representative, an organized group of persons, a State or territorial government or branch, or a political subdivision of a State or territory or a branch of a political subdivision;

"information" means facts obtained or solicited by the use of written report forms, application forms, schedules, questionnaires, or other similar methods calling either for answers to identical questions from ten or more persons other than agencies, instrumentalities, or employees of the United States or for answers to questions from agencies, instrumentalities, or employees of the United States which are to be used for statistical compilations of general public interest.

§ 3503. Duties of Director of the Bureau of the Budget

With a view to carrying out the policy of this chapter, the Director of the Bureau of the Budget from time to time shall—

(1) investigate the needs of the various Federal agencies for information from business enterprises, from other persons, and from other Federal agencies;

(2) investigate the methods used by agencies in obtaining information; and

(3) coordinate as rapidly as possible the information-collecting services of all agencies with a view to reducing the cost to the Government of obtaining information and minimizing the burden upon business enterprises and other persons, and using, as far as practicable, for continuing organization, files of information and existing facilities of the established Federal agencies.

§ 3504. Designation of central collection agency

When, after investigation, the Director of the Bureau of the Budget is of the opinion that the needs of two or more Federal agencies for information from business enterprises and other persons will be adequately served by a single collecting agency, he shall fix a time and place for a hearing at which the agencies concerned and other interested persons may have an opportunity to present their views. After the hearing, the Director may issue an order designating a collecting agency to obtain information for two or more of the agencies concerned, and prescribing (with reference to the collection of information) the duties and functions of the collecting agency so designated and the Federal agencies for which it is to act as agent. The Director may modify the order from time to time as circumstances require, but modification may not be made except after investigation and hearing.

§ 3505. Independent collection by an agency prohibited

While an order or modified order is in effect, a Federal agency covered by it may not obtain for itself information which it is the duty of the collecting agency designated by the order to obtain.

§ 3506. Determination of necessity for information; hearing

Upon the request of a party having a substantial interest, or upon his own motion, the Director of the Bureau of the Budget may determine whether or not the collection of information by a Federal agency is necessary for the proper performance of the functions of the agency or for any other proper purpose. Before making a determination, he may give the agency and other interested persons an opportunity to

be heard or to submit statements in writing. To the extent, if any, that the Director determines the collection of information by the agency is unnecessary, for any reason, the agency may not engage in the collection of the information.

§ 3507. Cooperation of agencies in making information available

For the purposes of this chapter, the Director of the Bureau of the Budget may require a Federal agency to make available to another Federal agency information obtained from any person after December 24, 1942, and all agencies are directed to cooperate to the fullest practicable extent at all times in making information available to other agencies.

This chapter does not apply to the obtaining or releasing of information by the Internal Revenue Service, the Comptroller of the Currency, the Bureau of the Public Debt, the Bureau of Accounts, and the Division of Foreign Funds Control of the Treasury Department, nor to the obtaining by a Federal bank supervisory agency of reports and information from banks as authorized by law and in the proper performance of the agency's functions in its supervisory capacity.

§ 3508. Unlawful disclosure of information; penalties; release of information to other agencies

(a) If information obtained in confidence by a Federal agency is released by that agency to another Federal agency, all the provisions of law including penalties which relate to the unlawful disclosure of information apply to the officers and employees of the agency to which information is released to the same extent and in the same manner as the provisions apply to the officers and employees of the agency which originally obtained the information. The officers and employees of the agency to which the information is released, in addition, shall be subject to the same provisions of law, including penalties, relating to the unlawful disclosure of information as if the information had been collected directly by that agency.

(b) Information obtained by a Federal agency from a person under this chapter may be released to another Federal agency only—

- (1) in the form of statistical totals or summaries; or
- (2) if the information as supplied by persons to a Federal agency had not, at the time of collection, been declared by that agency or by a superior authority to be confidential; or
- (3) when the persons supplying the information consent to the release of it to a second agency by the agency to which the information was originally supplied; or
- (4) when the Federal agency to which another Federal agency releases the information has authority to collect the information itself and the authority is supported by legal provision for criminal penalties against persons failing to supply the information.

§ 3509. Plans or forms for collecting information; submission to Director; approval

A Federal agency may not conduct or sponsor the collection of information upon identical items, from ten or more persons, other than Federal employees, unless, in advance of adoption or revision of any plans or forms to be used in the collection—

- (1) the agency has submitted to the Director the plans or forms, together with copies of pertinent regulations and of other related materials as the Director of the Bureau of the Budget has specified; and
- (2) the Director has stated that he does not disapprove the proposed collection of information.

§ 3510. Rules and regulations

The Director of the Bureau of the Budget may promulgate rules and regulations necessary to carry out sections 3501–3511 of this title.

§ 3511. Penalty for failure to furnish information

A person failing to furnish information required by an agency shall be subject to penalties specifically prescribed by law, and no other penalty may be imposed either by way of fine or imprisonment or by the withdrawal or denial of a right, privilege, priority, allotment, or immunity, except when the right, privilege, priority, allotment, or immunity is legally conditioned on facts which would be revealed by the information requested.

CHAPTER 37—ADVERTISEMENTS BY GOVERNMENT AGENCIES

Sec.

3701. Advertisements for contracts in District of Columbia.

3702. Advertisements not to be published without written authority.

3703. Rate of payment for advertisements, notices, and proposals.

§ 3701. Advertisements for contracts in District of Columbia

Advertisements for contracts for the public service may not be published in any newspaper published and printed in the District of Columbia unless the supplies or labor covered by the advertisement are to be furnished or performed in the District of Columbia or in the adjoining counties of Maryland or Virginia.

§ 3702. Advertisements not to be published without written authority

Advertisements, notices, or proposals for an executive department of the Government, or for a bureau or office connected with it, may not be published in a newspaper except under written authority from the head of the department; and a bill for advertising or publication may not be paid unless there is presented with the bill a copy of the written authority.

§ 3703. Rate of payment for advertisements, notices, and proposals

Advertisements, notices, proposals for contracts, and all forms of advertising required by law for the several departments of the Government may be paid for at a price not to exceed the commercial rates charged to private individuals, with the usual discounts. But the heads of the several departments may secure lower terms at special rates when the public interest requires it. The rates shall include the furnishing of lawful evidence, under oath, of publication, to be made and furnished by the printer or publisher making publication.

SEC. 2. (a) The legislative purpose in enacting section 1 of this Act is to restate, without substantive change, the laws replaced by those sections on the effective date of this Act. Laws effective after January 14, 1968, that are inconsistent with this Act are considered as superseding it to the extent of the inconsistency.

(b) A reference to a law replaced by section 1 of this Act, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provision enacted by this Act.

(c) An order, rule, or regulation in effect under a law replaced by section 1 of this Act shall continue in effect under the corresponding provision enacted by this Act until repealed, amended, or superseded.

(d) An action taken or an offense committed under a law replaced by section 1 of this Act is deemed to have been taken or committed under the corresponding provision enacted by this Act.

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Approved October 22, 1968.

Public Law 90-621

AN ACT

October 22, 1968
[H. R. 18942]

Relating to the income tax treatment of certain statutory mergers of corporations.

Taxes.
Corporations;
statutory mergers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 368(a) (2) of the Internal Revenue Code of 1954 (relating to special rules with respect to the definition of corporate reorganizations) is amended by adding at the end thereof the following new subparagraph:

68A Stat. 120.
26 USC 368.

“(D) STATUTORY MERGER USING STOCK OF CONTROLLING CORPORATION.—The acquisition by one corporation, in exchange for stock of a corporation (referred to in this subparagraph as ‘controlling corporation’) which is in control of the acquiring corporation, of substantially all of the properties of another corporation which in the transaction is merged into the acquiring corporation shall not disqualify a transaction under paragraph (1) (A) if (i) such transaction would have

qualified under paragraph (1)(A) if the merger had been into the controlling corporation, and (ii) no stock of the acquiring corporation is used in the transaction."

(b) Section 368(b) of such Code (relating to definition of a party to a reorganization) is amended by adding at the end thereof the following new sentence: "In the case of a reorganization qualifying under paragraph (1)(A) of subsection (a) by reason of paragraph (2)(D) of that subsection, the term 'a party to a reorganization' includes the controlling corporation referred to in such paragraph (2)(D)."

68A Stat. 120;
78 Stat. 57.
26 USC 368.

(c) The amendments made by subsections (a) and (b) shall apply to statutory mergers occurring after the date of the enactment of this Act.

SEC. 2. (a) Section 358(e) of the Internal Revenue Code of 1954 (relating to the exception to the rule for determining basis to distributees in corporate reorganizations) is amended to read as follows:

68A Stat. 118.

"(e) EXCEPTION.—This section shall not apply to property acquired by a corporation by the exchange of its stock or securities (or the stock or securities of a corporation which is in control of the acquiring corporation) as consideration in whole or in part for the transfer of the property to it."

(b) The last sentence of section 362(b) of such Code (relating to basis of property transferred to corporations in corporate reorganizations) is amended to read as follows: "This subsection shall not apply if the property acquired consists of stock or securities in a corporation a party to the reorganization, unless acquired by the exchange of stock or securities of the transferee (or of a corporation which is in control of the transferee) as the consideration in whole or in part for the transfer."

Property trans-
fers to corpora-
tions, non-
applicability.
68A Stat. 119.

(c) The amendments made by subsections (a) and (b) shall apply only in respect of plans of reorganization adopted after the date of the enactment of this Act.

Applicability.

Approved October 22, 1968.

Public Law 90-622

AN ACT

To amend the Internal Revenue Code of 1954 with respect to the treatment of income from the operation of a communications satellite system.

October 22, 1968
[H. R. 18486]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 883 of the Internal Revenue Code of 1954 (relating to exclusions from gross income) is amended by inserting "(a) INCOME OF FOREIGN CORPORATIONS FROM SHIPS AND AIRCRAFT.—" before "The", and by adding at the end thereof the following new subsection:

Taxes.
Global commu-
nications satel-
lite system, tax
exemption.
68A Stat. 283.
26 USC 883.

"(b) EARNINGS DERIVED FROM COMMUNICATIONS SATELLITE SYSTEM.—The earnings derived from the ownership or operation of a communications satellite system by a foreign entity designated by a foreign government to participate in such ownership or operation shall be exempt from taxation under this subtitle, if the United States, through its designated entity, participates in such system pursuant to the Communications Satellite Act of 1962 (47 U.S.C. 701 and following)."

(b) The amendment made by subsection (a) shall apply with respect to taxable years beginning after December 31, 1966.

76 Stat. 419.
Effective date.

Approved October 22, 1968.

Public Law 90-623

AN ACT

October 22, 1968
[H. R. 17864]

To amend titles 5, 10, and 37, United States Code, to codify recent law, and to improve the Code.

Titles 5, 10,
and 37, USC,
amendments.
80 Stat. 388.

80 Stat. 410;
81 Stat. 196.

80 Stat. 414.

80 Stat. 462.

Ante, p. 205.

81 Stat. 258.

80 Stat. 472.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 5, United States Code, is amended as follows:

(1) In section 559 insert "of this title" immediately after the figure "7521" wherever it appears;

(2) In section 2108(3) (D) insert "as defined by paragraph (1) (A) of this section" immediately after "veteran";

(3) In section 3102(a) (2) strike out "Board of Commissioners" and insert "Commissioner" in place thereof;

(4) In paragraphs (14), (15), and (16) of section 5315 strike out "(3)" and insert "(4)" in place thereof; and in paragraph (126) of section 5316 insert "(2)" at the end;

(5) In section 5316 insert the following after paragraph (126):
"(127) Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice.";

(6) In section 5334 (a)—

(A) strike out "section 106(a) of the Appalachian Regional Development Act of 1965" and insert "section 106(a) of title 40, appendix" in place thereof;

(B) strike out "section 502 of the Public Works and Economic Development Act of 1965, under section 506(2) of such Act" and insert "section 3182 of title 42, under section 3186(2) of that title" in place thereof; and

(C) strike out "six" and insert "6" in place thereof;

(7) In section 5352—

(A) insert a comma and "and the District of Columbia Council with respect to the government of the District of Columbia," immediately following "head of each agency"; and

(B) strike out "his" and insert "its" in place thereof;

(8) In section 5353 insert a comma and "and the District of Columbia Council with respect to the government of the District of Columbia," immediately following "head of the agency concerned" in the last sentence;

(9) In section 5516(a) strike out "Commissioners" wherever it appears and insert "Commissioner" in place thereof;

(10) In section 5521(3) (B) strike out "Board of Commissioners" and insert "Commissioner" in place thereof;

(11) In section 5527 (b)—

(A) strike out "and" immediately after "Executive agencies,"; and

(B) insert "and the District of Columbia Council, with respect to the government of the District of Columbia," immediately after "executive branch,";

(12) In section 5537 insert a comma and "who is entitled to leave under section 6322 of this title," immediately following "District of Columbia";

(13) In section 5546—

(A) strike out "Board of Commissioners of the District of Columbia" in subsection (b) and insert "District of Columbia Council" in place thereof; and

(B) strike out "5442(a)" in subsection (d) and insert "5542 (a)" in place thereof;

(14) In section 5724(e) strike out "section 5724(a), (b)" and insert "section 5724a(a), (b)" in place thereof;

81 Stat. 204.

(15) In section 6104—

80 Stat. 516.

(A) strike out "Board of Commissioners" wherever it appears in paragraphs (1) and (3) and insert "Commissioner" in place thereof; and

(B) strike out "Board of Commissioners" in paragraph (2) and insert "District of Columbia Council" in place thereof;

(16) In section 6305(c) strike out "two" and "thirty" and insert "2" and "30", respectively, in place thereof;

80 Stat. 1179.

(17) In section 6323—

80 Stat. 522.

(A) strike out "loss of" wherever it appears and insert "loss in" in place thereof; and

(B) insert the following at the end:

"(c) An employee as defined by section 2105 of this title or an individual employed by the government of the District of Columbia, who is a member of the National Guard of the District of Columbia, is entitled to leave without loss in pay or time for each day of a parade or encampment ordered or authorized under title 39, District of Columbia Code. This subsection covers each day of service the National Guard, or a portion thereof, is ordered to perform by the commanding general.";

25 Stat. 772;
35 Stat. 629.

(18) In section 6324(b) (1) strike out "Commissioners of the District of Columbia" and insert "District of Columbia Council" in place thereof;

(19) Strike out section 8143 and insert in place thereof:

§ 8143. Job Corps enrollees; volunteers in service to America

"(a) Subject to the provisions of this subsection, this subchapter applies to an enrollee in the Job Corps, except that compensation for disability does not begin to accrue until the day after the date on which the injured enrollee is terminated. In administering this subchapter for an enrollee covered by this subsection—

"(1) the monthly pay of an enrollee is deemed that received at the minimum rate for GS-2;

5 USC 5332
note.

"(2) section 8113 (a), (b) of this title applies to an enrollee; and

80 Stat. 540.

"(3) 'performance of duty' does not include an act of an enrollee while absent from his assigned post of duty, except while participating in an activity (including an activity while on pass or during travel to or from the post of duty) authorized by or under the direction and supervision of the Job Corps.

"(b) This subchapter applies to a volunteer in service to America who receives either a living allowance or a stipend under part A of subchapter VIII of chapter 34 of title 42, with respect to that service and training, to the same extent as enrollees of the Job Corps under subsection (a) of this section. However, for the purpose of the computation described in subsection (a) (1) of this section, the monthly pay of a volunteer is deemed that received at the minimum rate for GS-7.";

81 Stat. 722.
42 USC 2992-
2992b.

(20) In section 8191 strike out "Act" and insert "subchapter" in place thereof;

Ante, p. 98.

(21) In section 8331(3) (B) (ii) strike out "and 60e-13" and insert "60e-13, and 60e-14" in place thereof;

81 Stat. 213.

(22) In section 8347(h) strike out "Commissioners" and insert "Commissioner" in place thereof.

80 Stat. 583.

(23) In section 3502(a), strike out "and" at the end of subparagraph (A); insert a semicolon immediately preceding the word "and" at the end of subparagraph (B); and strike out, in subparagraph (C), "section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b))" and "section 10(b) of the Agricultural

80 Stat. 428.

Ante, p. 278.

Adjustment Act of May 12, 1933 (48 Stat. 37)" and insert "section 590h(b) of title 16" and "section 610(b) of title 7", respectively, in place thereof.

Ante, p. 277.

(24) In section 5334(f), strike out "section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b))" and insert "section 590h(b) of title 16" in place thereof.

Ante, p. 277.

(25) In section 6312, strike out "section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b))" and "section 10(b) of the Agricultural Adjustment Act of May 12, 1933 (48 Stat. 37)" and insert "section 590h(b) of title 16" and "section 610(b) of title 7", respectively, in place thereof.

81 Stat. 198.

(26) In section 5314, insert the following new paragraph at the end:

"(53) Urban Mass Transportation Administrator."

SEC. 2. Title 10, United States Code, is amended as follows:

70A Stat. 4;
79 Stat. 830.

(1) In sections 101(8) (D) and 1124 (a), (b), and (g) strike out "the Treasury" wherever it appears and insert "Transportation" in place thereof.

81 Stat. 754.

(2) In the analysis of chapter 31 strike out "or national emergency" in item 506;

70A Stat. 17.

(3) In section 510(a) strike out "section 501" and insert "section 502" in place thereof;

76 Stat. 450.

(4) In section 815(e) (article 15(e)), strike out "or a law specialist or lawyer of the Marine Corps, Coast Guard, or Treasury Department" in the last sentence and insert in place thereof "or a law specialist or lawyer of the Coast Guard or Department of Transportation";

70A Stat. 201.

(5) Strike out section 3534 and insert in place thereof:

"§ 3534. Corps of Engineers: detail of officers to assist Commissioner of District of Columbia.

"The President may detail not more than three officers assigned to the Corps of Engineers to assist the Commissioner of the District of Columbia in discharging his duties.";

(6) Strike out the item relating to section 3534 in the analysis of chapter 343 and insert in place thereof:

"3534. Corps of Engineers: detail of officers to assist Commissioner of District of Columbia.";

80 Stat. 1114.

(7) In the analysis of chapter 403 strike out item 4339;

78 Stat. 149.

(8) In sections 4342(a) (5), 6954(a) (5), and 9342(a) (5) strike out "Commissioners" wherever it appears and insert in place thereof "Commissioner";

81 Stat. 546.

(9) In section 5149(c) strike out "4158(b)" and insert in place thereof "5148(b)";

70A Stat. 417.

(10) In section 6483(b) insert "former" before "section 6150".

SEC. 3. Title 37, United States Code, is amended as follows:

76 Stat. 451,
466, 468;
79 Stat. 547;
76 Stat. 478, 484,
489, 490.

(1) In sections 101(5) (D), 306 (d) and (f), 307(d), 308 (e) and (g), 417 (a) and (b), 703, 1001(c), and 1006(f) strike out "the Treasury" wherever they appear and insert in place thereof "Transportation";

81 Stat. 383.

(2) In section 202 redesignate subsection "(k)" (relating to basic pay of the Assistant Judge Advocate General of the Navy) as subsection "(l)";

78 Stat. 1070.

(3) In section 205(e) strike out "the enactment of this subsection" and insert in place thereof "October 13, 1964,";

77 Stat. 218.

(4) In section 305(a) (2) strike out "contiguous 48 States" and insert in place thereof "48 contiguous States";

81 Stat. 651.

(5) In section 311(a) strike out "months" and insert in place thereof "months'";

80 Stat. 957.

(6) In section 406(d) (2) strike out "ninety" and insert in place thereof "90";

(7) In section 554(b) strike out “twenty-nine” in the last sentence and insert in place thereof “29”;

81 Stat. 764.

(8) In section 904(a) insert “or” at the end of clause (10);

81 Stat. 383.

(9) In section 1006(a) strike out “permanent change of station” and insert in place thereof “change of permanent station”.

76 Stat. 490.

SEC. 4. The analysis of chapter 57 of title 28, United States Code, is amended by striking out the following item:

62 Stat. 925;
80 Stat. 663.

“962. Traveling expenses.”

SEC. 5. (a) Section 116 of the Economic Opportunity Act of 1964, as added by section 101 of Public Law 90-222 (81 Stat. 681; 42 U.S.C. 2727), is amended—

Provisions of
Federal law, ap-
plication.

(1) by inserting, in subsection (a), “and in section 8143(a) of title 5, United States Code” immediately after “this subsection”; and

(2) by striking out paragraph (2) of subsection (a).

(b) Section 833 of the Economic Opportunity Act of 1964, as added by section 110 of Public Law 90-222 (81 Stat. 726; 42 U.S.C. 2994b), is amended—

(1) by inserting, in subsection (a), “and in section 8143(b) of title 5, United States Code” immediately after “subsection (b)”; and

(2) by striking out subsection (b) and inserting in place thereof:

“(b) Individuals who receive either a living allowance or a stipend under part A shall, with respect to such services or training, (1) be deemed, for the purposes of subchapter III of chapter 73 of title 5 of the United States Code, persons employed in the executive branch of the Federal Government, and (2) be deemed Federal employees to the same extent as enrollees of the Job Corps under section 116(a) (1) and (3) of this Act.”

80 Stat. 525.
5 USC 7321-
7327.

SEC. 6. (a) Sections 1-5 of this Act restate, without substantive change, the laws replaced by those sections on the effective date of this Act. Laws effective after June 30, 1968, that are inconsistent with this Act supersede it to the extent of the inconsistency.

(b) References made by other laws, regulations, and orders to the laws restated by this Act are deemed to refer to the corresponding provisions of this Act.

(c) Actions taken under the laws restated by this Act are deemed to have been taken under the corresponding provisions of this Act.

(d) Sections 1(2) and 1(14) of this Act are effective as of September 11, 1967, for all purposes.

Effective dates.

(e) Sections 1(13)(B) and 1(17) of this Act are effective as of September 6, 1966, for all purposes.

SEC. 7. (a) The following laws are repealed except with respect to rights and duties that matured, penalties that were incurred, and proceedings that were begun before the effective date of this Act:

Repeals.

(1) The proviso on page 615 of the Act of July 1, 1902 (ch. 1352, 32 Stat. 615);

(2) The Act of August 28, 1958 (Public Law 85-847, 72 Stat. 1086);

(3) Section 205 of the Act of August 19, 1964 (Public Law 88-448, 78 Stat. 488);

(4) Section 214(d) of the Act of December 16, 1967 (Public Law 90-206, 81 Stat. 636).

5 USC 8339
note.

(b) Paragraphs (115), (427), (428), and (429) of section 402 of Reorganization Plan No. 3 of 1967 have no further effect.

81 Stat. 958,
976.
5 USC app.

Post, p. 1368.

(c) That part of the last sentence of section 3(a) of Reorganization Plan No. 1 of 1968 which relates to the rate of compensation of the Director of the Bureau of Narcotics and Dangerous Drugs has no further effect.

Post, p. 1369.

(d) That part of the first sentence of section 3(b) of Reorganization Plan No. 2 of 1968 which relates to the compensation of the Urban Mass Transportation Administrator has no further effect.

Approved October 22, 1968.

Public Law 90-624

AN ACT

October 22, 1968
[H. R. 7567]

To amend the Internal Revenue Code of 1954 with respect to the definition of compensation for purposes of tax under the Railroad Retirement Tax Act, and for other purposes.

Taxes.
Definition of
compensation.
68A Stat. 434.
26 USC 3231.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3231 (e) (1) of the Internal Revenue Code of 1954 (relating to definition of compensation) is amended by inserting after the second sentence the following new sentence: "Such term does not include remuneration for service which is performed by a nonresident alien individual for the period he is temporarily present in the United States as a nonimmigrant under subparagraph (F) or (J) of section 101(a)(15) of the Immigration and Nationality Act, as amended, and which is performed to carry out the purpose specified in subparagraph (F) or (J), as the case may be."

66 Stat. 168;
75 Stat. 534.
8 USC 1101.

50 Stat. 309;
79 Stat. 860.
45 USC 228a.

SEC. 2. Section 1(h) (1) of the Railroad Retirement Act of 1937 is amended by inserting after the second sentence the following new sentence: "Such term does not include remuneration for service which is performed by a nonresident alien individual for the period he is temporarily present in the United States as a nonimmigrant under subparagraph (F) or (J) of section 101(a)(15) of the Immigration and Nationality Act, as amended, and which is performed to carry out the purpose specified in subparagraph (F) or (J), as the case may be."

52 Stat. 1095.
45 USC 351.

SEC. 3. Section 1 (i) of the Railroad Unemployment Insurance Act is amended by inserting after the first sentence the following new sentence: "Such term does not include remuneration for service which is performed by a nonresident alien individual for the period he is temporarily present in the United States as a nonimmigrant under subparagraph (F) or (J) of section 101(a)(15) of the Immigration and Nationality Act, as amended, and which is performed to carry out the purpose specified in subparagraph (F) or (J), as the case may be."

Applicability.

SEC. 4. (a) (1) The amendments made by the first two sections of this Act shall apply with respect to service performed after December 31, 1961.

26 USC 3201-
3233.

(2) Notwithstanding the expiration before the date of the enactment of this Act or within 6 months after such date of the period for filing claim for credit or refund, claim for credit or refund of any overpayment of any tax imposed by chapter 22 of the Internal Revenue Code of 1954 attributable to the amendment made by the first section of this Act may be filed at any time within one year after such date of enactment.

73 Stat. 28;
79 Stat. 861.

(3) Any credit or refund of an overpayment of the tax imposed by section 3201 or 3211 of the Internal Revenue Code of 1954 which is attributable to the amendment made by the first section of this Act shall be appropriately adjusted for any lump-sum payment which has been made under section 5(f) (2) of the Railroad Retirement Act

of 1937 before the date of the allowance of such credit or the making of such refund.

(b) The amendments made by section 3 shall apply with respect to service performed after December 31, 1967.

Approved October 22, 1968.

62 Stat. 577.
45 USC 228e.

Applicability.

Public Law 90-625

AN ACT

October 22, 1968
[S. 3736]

To authorize the Secretary of Agriculture to sell to the Village of Central, State of New Mexico, certain lands administered by him formerly part of the Fort Bayard Military Reservation, New Mexico.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to other provisions of this Act, the Secretary of Agriculture is authorized and directed to sell, in tracts of not less than 40 acres and at market value as determined by him, and to convey to the Village of Central, State of New Mexico, for the purpose of residential and business development, the following described lands formerly part of the Fort Bayard Military Reservation, Grant County, New Mexico, comprising approximately one hundred and seventy-seven acres situated in section 35, township 17 south, range 13 west, New Mexico principal meridian, more particularly described by metes and bounds as follows:

Fort Bayard
Military Reserva-
tion, N. Mex.
Land convey-
ance.

Beginning at the southwest corner of the parcel herein described, being a point on the northerly right-of-way line of United States Highway Numbered 260 (New Mexico State Highway Department project numbered F-013-1(3)), whence the 2-mile corner on the south boundary of the Fort Bayard Military Reservation (concrete monument in place) bears south 02 degrees 20 minutes 30 seconds east, 366.78 feet distance:

thence north 01 degree 16 minutes 00 seconds west, 439.75 feet distance to a point;

thence north 80 degrees 06 minutes 10 seconds east, 496.21 feet distance to a point;

thence north 14 degrees 22 minutes 10 seconds west, 500.58 feet distance to the northwest corner of the parcel herein described;

thence north 37 degrees 22 minutes 30 seconds east, 1,003.60 feet distance to a point;

thence north 13 degrees 48 minutes 30 seconds east, 439.35 feet distance to a point;

thence north 47 degrees 39 minutes 10 seconds east, 703.80 feet distance to a point;

thence north 48 degrees 30 minutes 00 second east, 490.75 feet distance to a point;

thence north 48 degrees 59 minutes 00 second east, 602.85 feet distance to a point;

thence north 49 degrees 39 minutes 00 second east, 235.52 feet distance to the northeast corner of the parcel herein described, being a point on the westerly line of the old Highway Numbered 180-260 (road to Fort Bayard);

thence south 44 degrees 13 minutes 10 seconds east, 289.71 feet distance along said westerly line of road to Fort Bayard to a point;

thence south 28 degrees 21 minutes 00 second east, 2,267.83 feet distance continuing along said westerly line of road to Fort Bayard to a point;

thence south 11 degrees 27 minutes 00 second east, 355.34 feet distance continuing along said westerly line of road to Fort Bayard to a point;

thence south 03 degrees 08 minutes 50 seconds west, 514.23 feet distance continuing along said westerly line of road to Fort Bayard to a point;

thence south 09 degrees 47 minutes 20 seconds west, 112.40 feet distance continuing along said westerly line of road to Fort Bayard to the southeast corner of the parcel herein described, being identified as the intersection of said westerly line of road to Fort Bayard with the northerly right-of-way line of new United States Highway Numbered 260 (Project Numbered F-013-1(3));

thence north 88 degrees 35 minutes 00 second west, 906.91 feet distance along the northerly right-of-way line of United States Highway Numbered 260 to the T-rail right-of-way marker on P.T. station 351+06.2;

thence southwesterly 2,435.21 feet distance continuing along said northerly right-of-way line of United States Highway Numbered 260 along the arc of a curve bearing to the left and having a long chord bearing south 83 degrees 25 minutes 00 seconds west, 2,427.30 feet distance to the T-Rail right-of-way marker on P.C. Station 327+00;

thence south 75 degrees 25 minutes 00 seconds west, 594.40 feet distance continuing along said northerly right-of-way line of United States Highway Numbered 260 to the southwest, and beginning corner of the parcel herein described.

SEC. 2. The conveyance authorized by this Act (1) shall protect existing valid rights, (2) shall reserve easements for existing facilities such as roads, telephone lines, pipelines, electric power transmission lines, or other facilities or improvements in place, and shall reserve such easements for roads as the Secretary of Agriculture finds necessary to assure access to lands of the United States or to meet public needs, and (3) may contain such additional terms, conditions, reservations, and restrictions as may be determined by the Secretary of Agriculture to be necessary to protect the interests of the United States.

Mineral in-
terests.

SEC. 3. Upon application all the undivided mineral interests of the United States in any parcel or tract of land sold pursuant to this Act shall be conveyed to the Village of Central, State of New Mexico, or its successors in title by the Secretary of the Interior. In areas where the Secretary of the Interior determines that there is no active mineral development or leasing, and that the lands have no mineral value, the mineral interests covered by a single application shall be sold for a consideration of \$1. In other areas the mineral interests shall be sold at the fair market value thereof as determined by the Secretary of the Interior after taking into consideration such appraisals as he deems necessary or appropriate.

SEC. 4. Each application made under the provisions of this Act shall be accompanied by a nonrefundable deposit to be applied to the administrative costs as fixed by the Secretary of the Interior. If the conveyance is made, the applicant shall pay to the Secretary of the Interior the full administrative costs, less the deposit. If a conveyance is not made pursuant to an application filed under this Act, the deposit shall constitute full satisfaction of such administrative costs notwithstanding that the administrative costs exceed the deposit.

"Administra-
tive costs."

SEC. 5. The term "administrative costs" as used in this Act includes, in addition to other items, all costs which the Secretary of the Interior determines are included in a determination of (1) the mineral character of the land in question, and (2) the fair market value of the mineral interest.

SEC. 6. Amounts paid to the Secretary of the Interior under the provisions of this Act shall be paid into the Treasury of the United States as miscellaneous receipts.

Approved October 22, 1968.

Public Law 90-626

AN ACT

To amend the Federal Property and Administrative Services Act of 1949, as amended, to authorize the rendering of direct assistance to and performance of special services for the Inaugural Committee.

October 22, 1968
[S. 3416]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 210(a) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(a)) is further amended by striking the word "and" at the end of paragraph (13), striking the period at the end of paragraph (14) and inserting in lieu thereof "; and", and inserting immediately after paragraph (14) thereof the following new paragraph:

Inaugural Committee.
Assistance and special services.
64 Stat. 580;
79 Stat. 1010.

"(15) to render direct assistance to and perform special services for the Inaugural Committee (as defined in the Act of August 6, 1956, 70 Stat. 1049) during an inaugural period in connection with Presidential inaugural operations and functions, including employment of personal services without regard to the civil service and classification laws; provide Government-owned and leased space for personnel and parking; pay overtime to guard and custodial forces; erect and remove stands and platforms; provide and operate first-aid stations; provide furniture and equipment; and provide other incidental services in the discretion of the Administrator."

36 USC 721.

Approved October 22, 1968.

Public Law 90-627

AN ACT

For the relief of Public Utility District Numbered 1 of Klickitat County, Washington.

October 22, 1968
[H. R. 859]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Public Utility District Numbered 1 of Klickitat County, Washington, the sum of \$31,000. Such sum represents payment for amounts expended by the district to construct a sewer and water system for the unincorporated city of Roosevelt, Washington, which was relocated because of the inundation of the original townsite by waters of the reservoir created by the construction of the John Day lock and dam project of the Department of the Army.

Public Utility District No. 1, Klickitat County, Wash.

SEC. 2. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved October 22, 1968.

Public Law 90-628

October 22, 1968
[H. R. 13058]

AN ACT

To repeal certain Acts relating to containers for fruits and vegetables, and for other purposes.

Fruit and vegetable containers.
Standards.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Acts of Congress listed below are hereby repealed:

(a) The Act of August 31, 1916, entitled "An Act to fix standards for Climax baskets for grapes and other fruits and vegetables, and to fix standards for baskets and other containers for small fruits, berries, and vegetables, and for other purposes" (39 Stat. 673, as amended; 15 U.S.C. 251-256);

(b) The Act of May 21, 1928, entitled "An Act to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes" (45 Stat. 685, as amended; 15 U.S.C. 257-257i).

SEC. 2. Section 10(b) (3) of the Act of November 3, 1966 (80 Stat. 1296; 15 U.S.C. 1451), entitled the "Fair Packaging and Labeling Act", is amended by inserting "or" before "the Act of March 4, 1915," and by striking out "the Act of August 31, 1916 (39 Stat. 673, as amended; 15 U.S.C. 251-256), or the Act of May 21, 1928 (45 Stat. 685, as amended; 15 U.S.C. 257-257i)."

Effective date.

SEC. 3. This Act shall become effective 60 days after enactment.

Approved October 22, 1968.

Public Law 90-629

October 22, 1968
[H. R. 15681]

AN ACT

To consolidate and revise foreign assistance legislation relating to reimbursable military exports.

The Foreign Military Sales Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Foreign Military Sales Act".

Chapter 1.—FOREIGN AND NATIONAL SECURITY POLICY OBJECTIVES AND RESTRAINTS

SECTION 1. THE NEED FOR INTERNATIONAL DEFENSE COOPERATION AND MILITARY EXPORT CONTROLS.—As declared by the Congress in the Arms Control and Disarmament Act, an ultimate goal of the United States continues to be a world which is free from the scourge of war and the dangers and burdens of armaments; in which the use of force has been subordinated to the rule of law; and in which international adjustments to a changing world are achieved peacefully. In furtherance of that goal, it remains the policy of the United States to encourage regional arms control and disarmament agreements and to discourage arms races.

The Congress recognizes, however, that the United States and other free and independent countries continue to have valid requirements for effective and mutually beneficial defense relationships in order to maintain and foster the environment of international peace and security essential to social, economic, and political progress. Because of the growing cost and complexity of defense equipment, it is increasingly difficult and uneconomic for any country, particularly a developing country, to fill all of its legitimate defense requirements from its own design and production base. The need for international defense cooperation among the United States and those friendly countries to which it is allied by mutual defense treaties is especially important, since the effectiveness of their armed forces to act in concert to deter or defeat aggression is directly related to the operational compatibility of their defense equipment.

Accordingly, it remains the policy of the United States to facilitate the common defense by entering into international arrangements with friendly countries which further the objective of applying agreed resources of each country to programs and projects of cooperative exchange of data, research, development, production, procurement, and logistics support to achieve specific national defense requirements and objectives of mutual concern. To this end, this Act authorizes sales by the United States Government to friendly countries having sufficient wealth to maintain and equip their own military forces at adequate strength, or to assume progressively larger shares of the costs thereof, without undue burden to their economies, in accordance with the restraints and control measures specified herein and in furtherance of the security objectives of the United States and of the purposes and principles of the United Nations Charter.

It is the sense of the Congress that all such sales be approved only when they are consistent with the foreign policy interests of the United States, the purposes of the foreign assistance program of the United States as embodied in the Foreign Assistance Act of 1961, as amended, the extent and character of the military requirement, and the economic and financial capability of the recipient country, with particular regard being given, where appropriate, to proper balance among such sales, grant military assistance, and economic assistance as well as to

75 Stat. 424.
22 USC 2151
note.

the impact of the sales on programs of social and economic development and on existing or incipient arms races.

Post, p. 1323.

Presidential
determination,
report.

It is further the sense of Congress that sales and guaranties under sections 21, 22, 23, and 24, shall not be approved where they would have the effect of arming military dictators who are denying social progress to their own people: *Provided*, That the President may waive this limitation when he determines it would be important to the security of the United States, and promptly so reports to the Speaker of the House of Representatives and the Committee on Foreign Relations in the Senate.

SEC. 2. COORDINATION WITH FOREIGN POLICY.—(a) Nothing contained in this Act shall be construed to infringe upon the powers or functions of the Secretary of State.

(b) Under the direction of the President, the Secretary of State, taking into account other United States activities abroad, such as military assistance, economic assistance, and food for freedom, shall be responsible for the continuous supervision and general direction of sales under this Act, including, but not limited to, determining whether there shall be a sale to a country and the amount thereof, to the end that sales are integrated with other United States activities and the foreign policy of the United States is best served thereby.

(c) The President shall prescribe appropriate procedures to assure coordination among representatives of the United States Government in each country, under the leadership of the Chief of the United States Diplomatic Mission. The Chief of the diplomatic mission shall make sure that recommendations of such representatives pertaining to sales are coordinated with political and economic considerations, and his comments shall accompany such recommendations if he so desires.

SEC. 3. ELIGIBILITY.—(a) No defense article or defense service shall be sold by the United States Government under this Act to any country or international organization unless—

(1) the President finds that the furnishing of defense articles and defense services to such country or international organization will strengthen the security of the United States and promote world peace;

(2) the country or international organization shall have agreed not to transfer title to, or possession of, any defense article so furnished to it to anyone not an officer, employee, or agent of that country or international organization unless the consent of the President has first been obtained; and

(3) the country or international organization is otherwise eligible to purchase defense articles or defense services.

Report.

The President shall promptly submit a report to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate on the implementation of each agreement entered into pursuant to clause (2) of this subsection.

Presidential
waiver, report.

(b) No defense article or defense service shall be sold by the United States Government under this Act to any country which, after the date of enactment of this Act, seizes or takes into custody or fines an American fishing vessel engaged in fishing more than twelve miles from the coast of that country. The President may waive the provisions of this subsection when he determines it to be important to the security of the United States, and promptly so reports to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 4. PURPOSES FOR WHICH MILITARY SALES BY THE UNITED STATES ARE AUTHORIZED.—Defense articles and defense services shall be sold by the United States Government under this Act to friendly countries solely for internal security, for legitimate self-defense, to permit the

recipient country to participate in regional or collective arrangements or measures consistent with the Charter of the United Nations, or otherwise to permit the recipient country to participate in collective measures requested by the United Nations for the purpose of maintaining or restoring international peace and security, or for the purpose of enabling foreign military forces in less developed friendly countries to construct public works and to engage in other activities helpful to the economic and social development of such friendly countries. It is the sense of the Congress that such foreign military forces should not be maintained or established solely for civic action activities and that such civic action activities not significantly detract from the capability of the military forces to perform their military missions and be coordinated with and form part of the total economic and social development effort: *Provided*, That none of the funds contained in this authorization shall be used to guarantee, or extend credit, or participate in an extension of credit in connection with any sale of sophisticated weapons systems, such as missile systems and jet aircraft for military purposes, to any underdeveloped country other than Greece, Turkey, Iran, Israel, the Republic of China, the Philippines and Korea unless the President determines that such financing is important to the national security of the United States and reports within thirty days each such determination to the Congress.

Report to
Congress.

Chapter 2.—FOREIGN MILITARY SALES AUTHORIZATIONS

SEC. 21. CASH SALES FROM STOCK.—The President may sell defense articles from the stocks of the Department of Defense and defense services of the Department of Defense to any friendly country or international organization if such country or international organization agrees to pay not less than the value thereof in United States dollars. Payment shall be made in advance or, as determined by the President to be in the best interests of the United States, within a reasonable period not to exceed one hundred and twenty days after the delivery of the defense articles or the rendering of the defense services.

SEC. 22. PROCUREMENT FOR CASH SALES.—The President may, without requirement for charge to any appropriation or contract authorization otherwise provided, enter into contracts for the procurement of defense articles or defense services for sale for United States dollars to any friendly country or international organization if such country or international organization provides the United States Government with a dependable undertaking (1) to pay the full amount of such contract which will assure the United States Government against any loss on the contract, and (2) to make funds available in such amounts and at such times as may be required to meet the payments required by the contract, and any damages and costs that may accrue from the cancellation of such contract, in advance of the time such payments, damages, or costs are due: *Provided*, That the President may, when he determines it to be in the national interest, accept a dependable undertaking to make full payment within one hundred and twenty days after delivery of the defense articles, or the rendering of the defense services, and appropriations available to the Department of Defense may be used to meet the payments required by the contracts and shall be reimbursed by the amounts subsequently received from the country or international organization: *Provided further*, That the President may, when he determines it to be in the national interest, enter into sales agreements with purchasing countries or international organizations which fix prices to be paid by the purchasing countries or international organizations for the defense articles or defense services ordered. Funds made available under section 31 for financing sales shall be used to reimburse the applicable appropriations in the amounts required by the

Post, p. 1324.

Report to
Congress.

Waiver.

contracts which exceed the price so fixed, except that such reimbursement shall not be required upon determination by the President that the continued production of the defense article being sold is advantageous to the Armed Forces of the United States. Payments by purchasing countries or international organizations which exceed the amounts required by such contracts shall be transferred to the general fund of the Treasury. To the maximum extent possible, prices fixed under any such sales agreement shall be sufficient to reimburse the United States for the cost of the defense articles or defense services ordered. The President shall submit to the Congress promptly a detailed report concerning any fixed-price sales agreement under which the aggregate cost to the United States exceeds the aggregate amount required to be paid by the purchasing country or international organization. No sales of unclassified defense articles shall be made to the government of any economically developed nation under the provisions of this section unless such articles are not generally available for purchase by such nations from commercial sources in the United States: *Provided, however*, That the President may waive the provisions of this sentence when he determines that the waiver of such provisions is in the national interest.

SEC. 23. CREDIT SALES.—The President is hereby authorized to finance procurements of defense articles and defense services by friendly countries and international organizations on terms of repayment to the United States Government of not less than the value thereof in United States dollars within a period not to exceed ten years after the delivery of the defense articles or the rendering of the defense services.

SEC. 24. GUARANTIES.—(a) The President may guarantee any individual, corporation, partnership, or other juridical entity doing business in the United States (excluding United States Government agencies) against political and credit risks of nonpayment arising out of their financing of credit sales of defense articles and defense services to friendly countries and international organizations. Fees shall be charged for such guaranties.

(b) The President may sell to any individual, corporation, partnership, or other juridical entity (excluding United States Government agencies) promissory notes issued by friendly countries and international organizations as evidence of their obligations to make repayments to the United States on account of credit sales financed under section 23, and may guarantee payment thereof.

(c) Funds made available pursuant to section 31 shall be obligated in an amount equal to 25 per centum of the contractual liability related to any guaranty issued under this section, and all the funds so obligated shall constitute a single reserve for the payment of claims under such guaranties. Any funds so obligated which are deobligated from time to time during any current fiscal year as being in excess of the amount necessary to maintain a fractional reserve of 25 per centum of the contractual liability under outstanding guaranties shall be transferred to the general fund of the Treasury. Any guaranties issued hereunder shall be backed by the full faith and credit of the United States.

Chapter 3.—MILITARY EXPORT CONTROLS

SEC. 31. AUTHORIZATION AND AGGREGATE CEILING ON FOREIGN MILITARY SALES CREDITS.—(a) There is hereby authorized to be appropriated to the President to carry out this Act not to exceed \$296,000,000 for the fiscal year 1969. Unobligated balances of funds made available

pursuant to this section are hereby authorized to be continued available by appropriations legislation to carry out this Act.

(b) The aggregate total of credits, or participations in credits, extended pursuant to this Act (excluding credits covered by guaranties issued pursuant to section 24(b)) and of the face amount of guaranties issued pursuant to sections 24 (a) and (b) during the fiscal year 1969 shall not exceed \$296,000,000.

SEC. 32. PROHIBITION AGAINST CERTAIN MILITARY EXPORT FINANCING BY EXPORT-IMPORT BANK.—Notwithstanding any other provision of law, no funds or borrowing authority available to the Export-Import Bank of the United States shall be used by such Bank to participate in any extension of credit in connection with any agreement to sell defense articles and defense services entered into with any economically less developed country after June 30, 1968.

SEC. 33. REGIONAL CEILINGS ON FOREIGN MILITARY SALES.—(a) The aggregate of the total amount of military assistance pursuant to the Foreign Assistance Act of 1961, as amended, of cash sales pursuant to sections 21 and 22, of credits, or participations in credits, financed pursuant to section 23 (excluding credits covered by guaranties issued pursuant to section 24(b)), of the face amount of contracts of guaranty issued pursuant to sections 24 (a) and (b), and of loans and sales in accordance with section 7307 of title 10, United States Code, shall, excluding training, not exceed \$75,000,000 in the fiscal year 1969 for Latin American countries.

(b) The aggregate of the total amount of military assistance pursuant to the Foreign Assistance Act of 1961, as amended, of cash sales pursuant to sections 21 and 22, of credits, or participations in credits, financed pursuant to section 23 (excluding credits covered by guaranties issued pursuant to section 24(b)), and of the face amount of contracts of guaranty issued pursuant to sections 24 (a) and (b) shall, excluding training, not exceed \$40,000,000 in the fiscal year 1969 for African countries.

(c) The President may waive the limitations of this section when he determines it to be important to the security of the United States, and promptly so reports to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 34. FOREIGN MILITARY SALES CREDIT STANDARDS.—The President shall establish standards and criteria for credit and guaranty transactions under sections 23 and 24 in accordance with the foreign, national security, and financial policies of the United States.

SEC. 35. FOREIGN MILITARY SALES TO LESS DEVELOPED COUNTRIES.—(a) When the President finds that any economically less developed country is diverting development assistance furnished pursuant to the Foreign Assistance Act of 1961, as amended, or sales under the Agricultural Trade Development and Assistance Act of 1954, as amended, to military expenditures, or is diverting its own resources to unnecessary military expenditures, to a degree which materially interferes with its development, such country shall be immediately ineligible for further sales and guarantees under sections 21, 22, 23, and 24, until the President is assured that such diversion will no longer take place. (b) The President shall transmit to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate semiannual reports of sales, and guaranties, to economically less developed countries, under sections 21, 22, 23, and 24, disclosing in detail the countries extended sales guaranties and credits and the terms and conditions of such sales, guaranties and credits; concurrently the President shall transmit semiannual reports of forecasts of sales and of guaranty and credit applications and anticipated

75 Stat. 424.
22 USC 2151
note.

Ante, p. 1323.
Ante, p. 1324.

70A Stat. 452.

Waiver.

Report.

68 Stat. 454;
80 Stat. 1526.
7 USC 1691
note.

Report.

Report.

guaranty and credit extensions to economically less developed countries for the current fiscal year.

SEC. 36. REPORTS ON COMMERCIAL AND GOVERNMENTAL MILITARY EXPORTS.—(a) The Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate semiannual reports of all exports during the preceding six months of significant defense articles on the United States munitions list to any foreign government, international organization, or other foreign recipient or purchaser, by the United States under this Act or any other authority, or by any individual, corporation, partnership, or other association doing business in the United States. Such reports shall include, but not be limited to, full information as to the particular defense articles so exported, the particular recipient or purchaser, the terms of the export, including its selling price, if any, and such other information as may be appropriate to enable the Congress to evaluate the distribution of United States defense articles abroad. In preparing such reports the Secretary of State is authorized to utilize the latest statistics and information available in the various departments and agencies of the Government.

(b) There shall be included in the presentation material submitted to the Congress during its consideration of amendments to this Act, or of any Act appropriating funds pursuant to authorizations contained in this Act, annual tables disclosing the dollar value of cash and credit foreign military sales orders, commitments to order, and estimated future orders under this Act and estimates of commercial sales orders and commitments to order received directly from any country or international organization by any individual, corporation, partnership, or other association doing business in the United States. The data reported shall be set forth on a country-by-country basis and shall be summarized on an economically developed country-economically less developed country basis.

(c) Nothing in this section shall be construed as modifying in any way the provisions of section 414 of the Mutual Security Act of 1954, as amended, relating to munitions control.

68 Stat. 848.
22 USC 1934.

Ante, p. 1323.
Ante, p. 1324.

SEC. 37. FISCAL PROVISIONS RELATING TO FOREIGN MILITARY SALES CREDITS.—(a) Cash payments received under sections 21 and 22 and advances received under section 23 shall be available solely for payments to suppliers (including the military departments) and refunds to purchasers and shall not be available for financing credits and guaranties.

(b) Amounts received from foreign governments and international organizations as repayments for credits extended pursuant to section 23, amounts received from the disposition of instruments evidencing indebtedness, and other collections (including fees and interest) shall be transferred to the miscellaneous receipts of the Treasury.

Chapter 4.—GENERAL, ADMINISTRATIVE, AND MISCELLANEOUS PROVISIONS

SEC. 41. EFFECTIVE DATE.—This Act shall take effect on July 1, 1968.

SEC. 42. GENERAL PROVISIONS.—(a) In carrying out this Act, special emphasis shall be placed on procurement in the United States, but consideration shall also be given to coproduction or licensed production outside the United States of defense articles of United States origin when such production best serves the foreign policy, national security, and economy of the United States. In evaluating any sale proposed to be made pursuant to this Act, there shall be taken into consideration

(1) the extent to which the proposed sale damages or infringes upon licensing arrangements whereby United States entities have granted licenses for the manufacture of the defense articles selected by the purchasing country to entities located in friendly foreign countries, which licenses result in financial returns to the United States, and (2) the portion of the defense articles so manufactured which is of United States origin.

(b) Funds made available under this Act may be used for procurement outside the United States only if the President determines that such procurement will not result in adverse effects upon the economy of the United States or the industrial mobilization base, with special reference to any areas of labor surplus or to the net position of the United States in its balance of payments with the rest of the world, which outweigh the economic or other advantages to the United States of less costly procurement outside the United States.

(c) (1) With respect to sales and guaranties under sections 21, 22, 23, and 24, the Secretary of Defense shall, under the direction of the President, have primary responsibility for—

Ante, pp. 1323,
1324.

(A) the determination of military end-item requirements;

(B) the procurement of military equipment in a manner which permits its integration with service programs;

(C) the supervision of the training of foreign military personnel;

(D) the movement and delivery of military end-items; and

(E) within the Department of Defense, the performance of any other functions with respect to sales and guaranties.

(2) The establishment of priorities in the procurement, delivery, and allocation of military equipment shall, under the direction of the President, be determined by the Secretary of Defense.

SEC. 43. ADMINISTRATIVE EXPENSES.—Funds made available under other law for the operations of United States Government agencies carrying out functions under this Act shall be available for the administrative expenses incurred by such agencies under this Act.

SEC. 44. STATUTORY CONSTRUCTION.—No provision of this Act shall be construed as modifying in any way the provisions of the Atomic Energy Act of 1954, as amended, or section 7307 of title 10 of the United States Code.

68 Stat. 919.
42 USC 2011
note.
70A Stat. 452.

SEC. 45. STATUTES REPEALED AND AMENDED.—(a) Sections 521, 522, 523, 524(b) (3), 525, 634(g), and 640 of the Foreign Assistance Act of 1961, as amended, are hereby repealed.

22 USC 2341-
2345, 2394,
2399a.

(b) Part III of the Foreign Assistance Act of 1961, as amended, is amended as follows:

(1) Section 622(b) is amended by striking out “or sales”.

22 USC 2382.

(2) Section 622(c) is amended by striking out “and sales” and “or sales”.

(3) Section 632(d) is amended by striking out “sections 506, 522, and 523,” in the first sentence and inserting in lieu thereof “section 506”.

22 USC 2392.

(4) Section 634(d) is amended by inserting “or any other” between “under this” and “Act” in the fourth sentence.

22 USC 2394.

(5) Section 644(m) is amended by striking out “and sales” in the first sentence of the paragraph following numbered paragraph (3).

22 USC 2403.

(c) References in law to the provisions of law repealed by subsection (a) of this section shall hereafter be deemed to be references to this Act or appropriate provisions of this Act. Except for the laws specified in section 44, no other provision of law shall be deemed to

apply to this Act unless it refers specifically to this Act or refers generally to sales of defense articles and defense services under any Act.

SEC. 46. SAVING PROVISIONS.—Except as may be expressly provided to the contrary in this Act, all determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provision of law repealed by section 45(a) shall continue in full force and effect until modified by appropriate authority.

Approved October 22, 1968.

Public Law 90-630

October 22, 1968
[H. R. 11394]

AN ACT

To amend certain provisions of the Internal Revenue Code of 1954 relating to distilled spirits, and for other purposes.

Taxes.
Distilled spirits.
72 Stat. 1324.
26 USC 5008.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (1) of section 5008(c) of the Internal Revenue Code of 1954 (relating to loss or destruction of distilled spirits) is amended—

(1) by striking out “before the completion of the bottling and casing or other packaging of such spirits for removal from the bottling premises” and inserting in lieu thereof “before removal from the premises”, and

(2) by inserting after “such loss occurred” in subparagraph (B) the following: “(i) before the completion of the bottling and casing or other packaging of such spirits for removal from the bottling premises and (ii)”.

SEC. 2. (a) The second sentence of section 5062(b) of the Internal Revenue Code of 1954 (relating to drawback in the case of exportation of distilled spirits) is amended to read as follows: “In the case of distilled spirits, the preceding sentence shall not apply unless the claim for drawback is filed by the bottler or packager of the spirits and unless such spirits have been stamped or restamped, and marked, especially for export, under regulations prescribed by the Secretary or his delegate.”

(b) The second paragraph of section 313(d) of the Tariff Act of 1930, as amended (19 U.S.C. 1313(d)) (relating to drawback) is amended—

(1) by inserting “or determined” after “been paid” each place it appears,

(2) by striking out the colon and the proviso, and

(3) by adding at the end thereof the following new sentence: “In the case of distilled spirits, the preceding sentence shall not apply unless the claim for drawback is filed by the bottler or packager of the spirits and unless such spirits have been stamped or restamped, and marked, especially for export, under regulations prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury.”

SEC. 3. (a) Section 5232 of the Internal Revenue Code of 1954 (relating to imported distilled spirits) is amended to read as follows:

“SEC. 5232. IMPORTED DISTILLED SPIRITS.

“(a) **TRANSFER TO DISTILLED SPIRITS PLANT WITHOUT PAYMENT OF TAX.**—Imported distilled spirits in bulk containers may, under such regulations as the Secretary or his delegate shall prescribe, be withdrawn from customs custody and transferred in such bulk containers or by pipeline to the bonded premises of a distilled spirits plant with-

46 Stat. 694;
49 Stat. 1960.

72 Stat. 1366.

out payment of the internal revenue tax imposed on imported distilled spirits by section 5001. The person operating the bonded premises of the distilled spirits plant to which such spirits are transferred shall become liable for the tax on distilled spirits withdrawn from customs custody under this section upon release of the spirits from customs custody, and the importer shall thereupon be relieved of his liability for such tax.

72 Stat. 1314.

“(b) **WITHDRAWALS, ETC.**—Imported distilled spirits transferred pursuant to subsection (a)—

“(1) may not be bottled in bond under section 5233,

“(2) may be redistilled or denatured only if of 185 degrees or more of proof, and

“(3) may be withdrawn for any purpose authorized by this chapter, in the same manner as domestic distilled spirits.”

(b) Headnote 3 for part 12 of schedule 1 of the Tariff Schedules of the United States (19 U.S.C., sec. 1202) is amended to read as follows:

77A Stat. 63.

“3. The duties prescribed on products covered by this part are in addition to the internal-revenue taxes imposed under existing law or any subsequent Act. The duties imposed on products covered by this part which are subject also to internal-revenue taxes are imposed only on the quantities subject to such taxes; except that, in the case of distilled spirits transferred to the bonded premises of a distilled spirits plant under the provisions of section 5232 of the Internal Revenue Code of 1954, the duties are imposed on the quantity withdrawn from customs custody.”

Ante, p. 1328.

SEC. 4. (a) For purposes of subsection (b), the effective date of this Act is the first day of the first calendar month which begins more than 90 days after the date of the enactment of this Act.

Effective date.

(b) The amendments made by the first section of this Act shall apply only to losses sustained on or after such effective date. The amendments made by section 2 shall apply only to articles exported on or after such effective date. The amendments made by section 3 shall apply only to withdrawals from customs custody on or after such effective date.

SEC. 5. (a) Section 175(c)(1) of the Internal Revenue Code of 1954 (relating to soil and water conservation expenditures) is amended by striking out the last sentence and inserting in lieu thereof the following:

Soil and water conservation expenditures.
68A Stat. 67.
26 USC 175.

“Notwithstanding the preceding sentences, such term also includes any amount, not otherwise allowable as a deduction, paid or incurred to satisfy any part of an assessment levied by a soil or water conservation or drainage district to defray expenditures made by such district (i) which, if paid or incurred by the taxpayer, would without regard to this sentence constitute expenditures deductible under this section, or (ii) for property of a character subject to the allowance for depreciation provided in section 167 and used in the soil or water conservation or drainage district's business as such (to the extent that the taxpayer's share of the assessment levied on the members of the district for such property does not exceed 10 percent of such assessment).”

(b) Section 175 of such Code is amended by adding at the end thereof the following new subsection:

“(f) **RULES APPLICABLE TO ASSESSMENTS FOR DEPRECIABLE PROPERTY.**—

“(1) **AMOUNTS TREATED AS PAID OR INCURRED OVER 9-YEAR PERIOD.**—In the case of an assessment levied to defray expenditures for property described in clause (ii) of the last sentence of subsection (c)(1), if the amount of such assessment paid or incurred by the taxpayer during the taxable year (determined without the application of this paragraph) is in excess of an

amount equal to 10 percent of the aggregate amounts which have been and will be assessed as the taxpayer's share of the expenditures by the district for such property, and if such excess is more than \$500, the entire excess shall be treated as paid or incurred ratably over each of the 9 succeeding taxable years.

“(2) DISPOSITION OF LAND DURING 9-YEAR PERIOD.—If paragraph (1) applies to an assessment and the land with respect to which such assessment was made is sold or otherwise disposed of by the taxpayer (other than by the reason of his death) during the 9 succeeding taxable years, any amount of the excess described in paragraph (1) which has not been treated as paid or incurred for a taxable year ending on or before the sale or other disposition shall be added to the adjusted basis of such land immediately prior to its sale or other disposition and shall not thereafter be treated as paid or incurred ratably under paragraph (1).

“(3) DISPOSITION BY REASON OF DEATH.—If paragraph (1) applies to an assessment and the taxpayer dies during the 9 succeeding taxable years, any amount of the excess described in paragraph (1) which has not been treated as paid or incurred for a taxable year ending before his death shall be treated as paid or incurred in the taxable year in which he dies.”

Effective date.

(c) The amendments made by subsections (a) and (b) shall apply to assessments levied after the date of the enactment of this Act in taxable years ending after such date.

Denial of
exemption.
68A Stat. 168.
26 USC 504.

SEC. 6. (a) Section 504(a) of the Internal Revenue Code of 1954 (relating to denial of exemption) is amended by inserting after the second sentence thereof the following new sentence: “Paragraph (1) shall not apply to income attributable to property transferred to a trust before January 1, 1951, by the creator of such trust, if such trust was irrevocable on such date and if such income is required to be accumulated pursuant to the mandatory terms (as in effect on such date and at all times thereafter) of the instrument creating such trust.”

Charitable de-
ductions, limita-
tion.

(b) Section 681(c) of such Code (relating to limitation on charitable deduction of trusts by reason of accumulated income) is amended by inserting after the second sentence thereof the following new sentence: “Paragraph (1) shall not apply to income attributable to property transferred to a trust before January 1, 1951, by the creator of such trust, if such trust was irrevocable on such date and if such income is required to be accumulated pursuant to the mandatory terms (as in effect on such date and at all times thereafter) of the instrument creating such trust.”

Effective date.

(c) The amendments made by subsection (a) and (b) shall apply with respect to taxable years beginning after December 31, 1953, and ending after August 16, 1954. For purposes of section 3814 and 162 (g) (4) of the Internal Revenue Code of 1939, provisions having the same effect as such amendments shall be treated as included in such sections effective with respect to taxable years beginning after December 31, 1950.

64 Stat. 954,
958.

Approved October 22, 1968.

Public Law 90-631

AN ACT

To amend title 38 of the United States Code with respect to eligibility for, and the period of limitation on, educational assistance available under part III of such title, and for other purposes.

October 23, 1968
[H. R. 16025]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1502(b) of title 38, United States Code, is amended by adding at the end thereof the following new sentence: "If the veteran has pursued an educational or training program under chapters 33 (prior to its repeal), 34 or 35 of this title, such program shall be utilized to the fullest extent practical in determining the character and duration of the vocational rehabilitation to be furnished him under this chapter."

Veterans.
Vocational re-
habilitation.
72 Stat. 1171.

(b) Section 1661 of title 38, United States Code, is amended—

Educational as-
sistance, eligi-
bility.
80 Stat. 13.

(1) by amending subsection (a) to read as follows:

"(a) Except as provided in subsection (c) and in the second sentence of this subsection, each eligible veteran shall be entitled to educational assistance under this chapter for a period of one and one-half months (or the equivalent thereof in part-time educational assistance) for each month or fraction thereof of his service on active duty after January 31, 1955. If an eligible veteran has served a period of 18 months or more on active duty after January 31, 1955, and has been released from such service under conditions that would satisfy his active duty obligation, he shall be entitled to educational assistance under this chapter for a period of 36 months (or the equivalent thereof in part-time educational assistance)."

(2) by striking out subsections (b) and (d),

(3) by redesignating subsection (c) as subsection (b), and

(4) by adding at the end thereof the following new subsection:

"(c) Except as provided in subsection (b) and in section 1678 of this title, no eligible veteran shall receive educational assistance under this chapter in excess of thirty-six months."

(c) Section 1711 of title 38, United States Code, is amended by striking out subsections (b) and (c), and by redesignating subsection (d) as subsection (b).

72 Stat. 1194;
78 Stat. 297.

(d) (1) Subchapter II of chapter 36 of title 38, United States Code, is amended by adding at the end thereof the following new section:

80 Stat. 21-23.

"§ 1791. Limitation on period of assistance under two or more programs

"The aggregate period for which any person may receive assistance under two or more of the laws listed below—

"(1) parts VII or VIII, Veterans Regulation numbered 1(a), as amended;

38 USC 1952
Ed., ch. 12A;

"(2) title II of the Veterans' Readjustment Assistance Act of 1952;

72 Stat. 1272.

"(3) the War Orphans' Educational Assistance Act of 1956;

70 Stat. 411.

"(4) Chapters 31, 34, and 35 of this title, and the former chapter 33

38 USC 1501,
1651, 1701, 1601.

may not exceed forty-eight months (or the part-time equivalent thereof), but this section shall not be deemed to limit the period for which assistance may be received under chapter 31 alone."

(2) The table of sections of chapter 36 of title 38, United States Code, is amended by adding at the end thereof the following:

"1791. Limitation on period of assistance under two or more programs."

SEC. 2. (a) (1) Subchapter I of chapter 35 of title 38, United States Code, is amended by inserting immediately before section 1701 the following new section:

72 Stat. 1193.
38 USC 1701.

War orphans'
educational as-
sistance.

“§ 1700. Purpose

“The Congress hereby declares that the educational program established by this chapter is for the purpose of providing opportunities for education to children whose education would otherwise be impeded or interrupted by reason of the disability or death of a parent from a disease or injury incurred or aggravated in the Armed Forces after the beginning of the Spanish-American War, and for the purpose of aiding such children in attaining the educational status which they might normally have aspired to and obtained but for the disability or death of such parent. The Congress further declares that the educational program extended to the widows of veterans who died of service-connected disabilities and to wives of veterans with a service-connected total disability permanent in nature is for the purpose of assisting them in preparing to support themselves and their families at a standard of living level which the veteran, but for his death or service disability, could have expected to provide for his family.”

(2) The table of sections of chapter 35 of title 38, United States Code, is amended by adding immediately before

“1701. Definitions.”

the following:

“1700. Purpose.”

72 Stat. 1193.

(b) Paragraph (1) of section 1701(a) of title 38, United States Code, is amended to read as follows:

“(1) The term ‘eligible person’ means—

“(A) a child of a person who—

“(i) died of a service-connected disability, or

“(ii) has a total disability permanent in nature resulting from a service-connected disability, or who died while a disability so evaluated was in existence,

“(B) the widow of any person who died of a service-connected disability, or

“(C) the wife of any person who has a total disability permanent in nature resulting from a service-connected disability, or the widow of a veteran who died while a disability so evaluated was in existence,

arising out of active military, naval, or air service after the beginning of the Spanish-American War, but only if such service did not terminate under dishonorable conditions. The standards and criteria for determining whether or not a disability arising out of such service is service connected shall be those applicable under chapter 11 of this title.”

78 Stat. 297.

(c) Subsection (d) of section 1701 of title 38, United States Code, is amended to read as follows:

“(d) No eligible person may be afforded educational assistance under this chapter unless he was discharged or released after each period he was on duty with the Armed Forces under conditions other than dishonorable, or while he is on duty with the Armed Forces.”

Ante, p. 1331.

(d) Subsection (b) of section 1711 of title 38, United States Code (as redesignated by subsection (c) of the first section of this Act), is amended to read as follows:

“(b) If any eligible person pursuing a program of education, or of special restorative training, under this chapter ceases to be an ‘eligible person’ because—

“(1) the parent or spouse from whom eligibility is derived is found no longer to have a ‘total disability permanent in nature’, as defined in section 1701(a) (10) of this title, or

“(2) she, as an eligible person under section 1701(a) (1) (C) of this title, is divorced, without fault on her part, from the person upon whose disability her eligibility is based,

then such eligible person (if he or she has sufficient remaining entitlement) may, nevertheless, be afforded educational assistance under this chapter until the end of the quarter or semester for which enrolled if the educational institution in which he or she is enrolled is operated on a quarter or semester system, or if the educational institution is not so operated until the end of the course, or until nine weeks have expired, whichever first occurs."

(e) Section 1712 of title 38, United States Code, is amended—

72 Stat. 1194.

(1) by inserting immediately after "eligible person" the first place where it appears in subsection (a) thereof the following: "(within the meaning of section 1701(a)(1)(A))", and

(2) by amending subsection (b) thereof to read as follows:

"(b) No person made eligible by section 1701(a)(1)(B) or (C) of this chapter may be afforded educational assistance under this chapter beyond eight years after whichever last occurs:

"(1) the date on which the Administrator first finds the spouse from whom eligibility is derived has a service-connected total disability permanent in nature, or

"(2) the date of death of the spouse from whom eligibility is derived."

(f) In the case of any person who is an eligible person by reason of subparagraph (B) or (C) of section 1701(a)(1) of title 38, United States Code (as added by subsection (b) of this section), if the date of death or the date of the determination of service-connected total disability permanent in nature of the person from whom eligibility is derived occurred before the effective date of this section, the eight-year delimiting period referred to in section 1712(b) of such title (as amended by subsection (e) (2) of this section) shall run from such effective date.

(g) Section 1720 of title 38, United States Code, is amended—

72 Stat. 1195.

(1) by inserting "(a)" immediately before the first word thereof,

(2) by inserting in the first sentence thereof immediately after "assistance" and before the comma the following: "for a person eligible within the meaning of section 1701(a)(1)(A)"; and

(3) by adding at the end thereof the following new subsection:

"(b) The Administrator may, on request, arrange for educational counseling for persons eligible for educational assistance under section 1701(a)(1)(B) or (C) of this chapter."

(h) (1) The heading of chapter 35 of title 38, United States Code, is amended by inserting "**AND WIDOWS**" immediately after "**WAR ORPHANS**".

(2) The analysis of part III of title 38, United States Code, and the analysis of such title, are each amended by striking out:

"35. War Orphan's Educational Assistance..... 1701"
and inserting in lieu thereof:

"35. War Orphans' and Widows' Educational Assistance..... 1700".

SEC. 3. (a) Paragraph (2) of section 1682(c) of title 38, United States Code, is amended to read as follows:

80 Stat. 18.

"(2) The period of entitlement of any eligible veteran who is pursuing any program of education exclusively by correspondence shall be charged with one month for each \$130 which is paid to the veteran as an educational assistance allowance for such course."

(b) Section 1682 of title 38, United States Code, is amended—

(1) by inserting after "program" where it first appears in subsection (a) (2) the following: ", other than a 'farm cooperative' program,"; and

(2) by amending subsection (d) to read as follows:

“(d) (1) An eligible veteran who is enrolled in an educational institution for a ‘farm cooperative’ program consisting of institutional agricultural courses prescheduled to fall within 44 weeks of any period of 12 consecutive months and who pursues such program on—

“(A) a full-time basis (a minimum of 12 clock hours per week),

“(B) a three-quarter-time basis (a minimum of 9 clock hours per week), or

“(C) a half-time basis (a minimum of 6 clock hours per week)

shall be eligible to receive an educational assistance allowance at the appropriate rate provided in the table in paragraph (2) of this subsection, if such eligible veteran is concurrently engaged in agricultural employment which is relevant to such institutional agricultural courses as determined under standards prescribed by the Administrator.

“(2) The monthly educational assistance allowance of an eligible veteran pursuing a farm cooperative program under this chapter shall be paid as set forth in column II, III, IV, or V (whichever is applicable as determined by the veteran’s dependency status) opposite the basis shown in column I:

Column I	Column II	Column III	Column IV	Column V
Basis	No dependents	One dependent	Two dependents	More than two dependents
				The amount in Column IV, plus the following for each dependent in excess of two:
Full-time-----	\$105	\$125	\$145	\$7
Three-quarter-time--	75	90	105	5
Half-time-----	50	60	70	3”.

77 Stat. 159.

SEC. 4. Section 1774 of title 38, United States Code, is amended—

(1) by inserting “(a)” immediately before the first word thereof,

(2) by inserting immediately after “expenses of salary and travel incurred by employees of such agencies” in the first sentence thereof the following: “and an allowance for administrative expenses in accordance with the formula contained in subsection (b) of this section”, and

(3) by adding at the end thereof the following new subsection:

“(b) The allowance for administrative expenses incurred pursuant to subsection (a) of this section shall be paid in accordance with the following formula:

“Total salary cost reimbursable under this section	Allowance for administrative expense
\$5,000 or less-----	\$250.
Over \$5,000 but not exceeding \$10,000--	\$450.
Over \$10,000 but not exceeding \$35,000--	\$450 for the first \$10,000 plus \$400 for each additional \$5,000 or fraction thereof.
Over \$35,000 but not exceeding \$40,000--	\$2,625.
Over \$40,000 but not exceeding \$75,000--	\$2,625 for the first \$40,000 plus \$350 for each additional \$5,000 or fraction thereof.
Over \$75,000 but not exceeding \$80,000--	\$5,225.
Over \$80,000-----	\$5,225 for the first \$80,000 plus \$300 for each additional \$5,000 or fraction thereof.”

SEC. 5. The second sentence of section 1677(b) of title 38, United States Code, is amended to read as follows: "Such allowance shall be paid monthly upon receipt of a certification from the eligible veteran and the institution as to the actual flight training received by, and the cost thereof to, the veteran during such month."

81 Stat. 185.

SEC. 6. (a) The amendments made by the first section and sections 2, 3, and 5 of this Act shall take effect on the first day of the second calendar month which begins after the date of the enactment of this Act.

Effective date.

Ante, p. 1331,
1333, 1335.

(b) The amendments made by section 4 of this Act shall apply with respect to contracts and agreements entered into under section 1774 of title 38, United States Code, effective for periods beginning after June 30, 1968.

Ante, p. 1334.

Approved October 23, 1968.

Public Law 90-632

AN ACT

To increase the participation of military judges and counsel on courts-martial, and for other purposes.

October 24, 1968

[H. R. 15971]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Military Justice Act of 1968".

Military Justice
Act of 1968.

SEC. 2. Chapter 47 (Uniform Code of Military Justice) of title 10, United States Code, is amended as follows:

(1) Section 801(10) (article 1(10)) is amended to read as follows:

70A Stat. 37.

"(10) 'Military judge' means an official of a general or special court-martial detailed in accordance with section 826 of this title (article 26)."

(2) Section 806(c) is amended by striking out "law officer" and inserting in lieu thereof "military judge".

(3) Section 816 (article 16) is amended to read as follows:

§ 816. Art. 16. Courts-martial classified

"The three kinds of courts-martial in each of the armed forces are—

"(1) general courts-martial, consisting of—

"(A) a military judge and not less than five members; or

"(B) only a military judge, if before the court is assembled the accused, knowing the identity of the military judge and after consultation with defense counsel, requests in writing a court composed only of a military judge and the military judge approves;

"(2) special courts-martial, consisting of—

"(A) not less than three members; or

"(B) a military judge and not less than three members; or

"(C) only a military judge, if one has been detailed to the court, and the accused under the same conditions as those prescribed in clause (1)(B) so requests; and

"(3) summary courts-martial, consisting of one commissioned officer."

(4) Section 818 (article 18) is amended by adding the following sentence at the end thereof: "However, a general court-martial of the kind specified in section 816(1)(B) of this title (article 16(1)(B)) shall not have jurisdiction to try any person for any offense for which the death penalty may be adjudged unless the case has been previously referred to trial as a noncapital case."

(5) Section 819 (article 19) is amended by striking out the last sentence and inserting the following sentence in place thereof: "A bad-

70A Stat. 46;
81 Stat. 546.

conduct discharge may not be adjudged unless a complete record of the proceedings and testimony has been made, counsel having the qualifications prescribed under section 827(b) of this title (article 27(b)) was detailed to represent the accused, and a military judge was detailed to the trial, except in any case in which a military judge could not be detailed to the trial because of physical conditions or military exigencies. In any such case in which a military judge was not detailed to the trial, the convening authority shall make a detailed written statement, to be appended to the record, stating the reason or reasons a military judge could not be detailed."

70A Stat. 43.

(6) The second and third sentences of section 820 (article 20) are amended to read as follows: "No person with respect to whom summary courts-martial have jurisdiction may be brought to trial before a summary court-martial if he objects thereto. If objection to trial by summary court-martial is made by an accused, trial may be ordered by special or general court-martial as may be appropriate."

(7) Section 825(c) (1) (article 25(c) (1)) is amended—

Post, p. 1338.

(A) by striking out "before the convening of the court," in the first sentence and inserting "before the conclusion of a session called by the military judge under section 839(a) of this title (article 39(a)) prior to trial or, in the absence of such a session, before the court is assembled for the trial of the accused," in place thereof; and

(B) by striking out "convened" in the last sentence and inserting "assembled" in place thereof.

10 USC 822-
829.

(8) Subchapter V is amended by striking out the following item in the analysis:

"826. 26. Law officer of a general court-martial."

and inserting the following item in place thereof:

"826. 26. Military judge of a general or special court-martial."

(9) Section 826 (article 26) is amended to read as follows:

"§ 826. Art. 26. Military judge of a general or special court-martial

"(a) The authority convening a general court-martial shall, and, subject to regulations of the Secretary concerned, the authority convening a special court-martial may, detail a military judge thereto. A military judge shall preside over each open session of the court-martial to which he has been detailed.

"(b) A military judge shall be a commissioned officer of the armed forces who is a member of the bar of a Federal court or a member of the bar of the highest court of a State and who is certified to be qualified for duty as a military judge by the Judge Advocate General of the armed force of which such military judge is a member.

"(c) The military judge of a general court-martial shall be designated by the Judge Advocate General, or his designee, of the armed force of which the military judge is a member for detail by the convening authority, and, unless the court-martial was convened by the President or the Secretary concerned, neither the convening authority nor any member of his staff shall prepare or review any report concerning the effectiveness, fitness, or efficiency of the military judge so detailed, which relates to his performance of duty as a military judge. A commissioned officer who is certified to be qualified for duty as a military judge of a general court-martial may perform such duties only when he is assigned and directly responsible to the Judge Advocate General, or his designee, of the armed force of which the military judge is a member and may perform duties of a judicial or nonjudicial nature other than those relating to his primary duty as a military judge of a general court-martial when such duties are assigned to him

by or with the approval of that Judge Advocate General or his designee.

“(d) No person is eligible to act as military judge in a case if he is the accuser or a witness for the prosecution or has acted as investigating officer or a counsel in the same case.

“(e) The military judge of a court-martial may not consult with the members of the court except in the presence of the accused, trial counsel, and defense counsel, nor may he vote with the members of the court.”

(10) Section 827 is amended—

(A) by striking out “law officer” in the second sentence of subsection (a) and inserting in lieu thereof “military judge”; and

(B) by redesignating paragraphs (1) and (2) of subsection (c) as paragraphs (2) and (3), respectively, and by inserting a new paragraph (1) as follows:

“(1) the accused shall be afforded the opportunity to be represented at the trial by counsel having the qualifications prescribed under section 827(b) of this title (article 27(b)) unless counsel having such qualifications cannot be obtained on account of physical conditions or military exigencies. If counsel having such qualifications cannot be obtained, the court may be convened and the trial held but the convening authority shall make a detailed written statement, to be appended to the record, stating why counsel with such qualifications could not be obtained;”.

(11) Section 829 (article 29) is amended—

(A) by striking out “accused has been arraigned” in subsection (a) and inserting “court has been assembled for the trial of the accused” in place thereof;

(B) by inserting “, other than a general court-martial composed of a military judge only,” after “court-martial” in the first sentence of subsection (b); and by amending the last sentence of subsection (b) to read as follows: “The trial may proceed with the new members present after the recorded evidence previously introduced before the members of the court has been read to the court in the presence of the military judge, the accused, and counsel for both sides.”;

(C) by inserting “, other than a special court-martial composed of a military judge only,” after “court-martial” in the first sentence of subsection (c); and by amending the last sentence of subsection (c) to read as follows: “The trial shall proceed with the new members present as if no evidence had previously been introduced at the trial, unless a verbatim record of the evidence previously introduced before the members of the court or a stipulation thereof is read to the court in the presence of the military judge, if any, the accused and counsel for both sides.”; and

(D) by adding the following new subsection at the end thereof:

“(d) If the military judge of a court-martial composed of a military judge only is unable to proceed with the trial because of physical disability, as a result of a challenge, or for other good cause, the trial shall proceed, subject to any applicable conditions of section 816 (1) (B) or (2) (C) of this title (article 16 (1) (B) or (2) (C)), after the detail of a new military judge as if no evidence had previously been introduced, unless a verbatim record of the evidence previously introduced or a stipulation thereof is read in court in the presence of the new military judge, the accused, and counsel for both sides.”

(12) Section 835 (article 35) is amended by striking out the second sentence and inserting the following in place thereof: “In time of peace no person may, against his objection, be brought to trial, or be

70A Stat. 46.

81 Stat. 546.

Ante, p. 1335.

Infra.

required to participate by himself or counsel in a session called by the military judge under section 839(a) of this title (article 39(a)), in a general court-martial case within a period of five days after the service of charges upon him, or in a special court-martial case within a period of three days after the service of charges upon him."

70A Stat. 50.

(13) Section 837 (article 37) is amended—

(A) by inserting "(a)" at the beginning of the first sentence thereof;

(B) by striking out "law officer" in the first sentence and inserting in lieu thereof "military judge";

(C) by adding at the end thereof the following new sentence: "The foregoing provisions of the subsection shall not apply with respect to (1) general instructional or informational courses in military justice if such courses are designed solely for the purpose of instructing members of a command in the substantive and procedural aspects of courts-martial, or (2) to statements and instructions given in open court by the military judge, president of a special court-martial, or counsel.";

(D) by adding after subsection (a) (as designated by paragraph

(1) hereof) a new subsection as follows:

"(b) In the preparation of an effectiveness, fitness, or efficiency report, or any other report or document used in whole or in part for the purpose of determining whether a member of the armed forces is qualified to be advanced, in grade, or in determining the assignment or transfer of a member of the armed forces or in determining whether a member of the armed forces should be retained on active duty, no person subject to this chapter may, in preparing any such report (1) consider or evaluate the performance of duty of any such member as a member of a court-martial, or (2) give a less favorable rating or evaluation of any member of the armed forces because of the zeal with which such member, as counsel, represented any accused before a court-martial."

(14) Section 838(b) (article 38(b)) is amended by striking out the words "president of the court" in the last sentence and inserting the words "military judge or by the president of a court-martial without a military judge" in place thereof.

(15) Section 839 (article 39) is amended to read as follows:

"§ 839. Art. 39. Sessions

"(a) At any time after the service of charges which have been referred for trial to a court-martial composed of a military judge and members, the military judge may, subject to section 835 of this title (article 35), call the court into session without the presence of the members for the purpose of—

"(1) hearing and determining motions raising defenses or objections which are capable of determination without trial of the issues raised by a plea of not guilty;

"(2) hearing and ruling upon any matter which may be ruled upon by the military judge under this chapter, whether or not the matter is appropriate for later consideration or decision by the members of the court;

"(3) if permitted by regulations of the Secretary concerned, holding the arraignment and receiving the pleas of the accused; and

"(4) performing any other procedural function which may be performed by the military judge under this chapter or under rules prescribed pursuant to section 836 of this title (article 36) and which does not require the presence of the members of the court.

These proceedings shall be conducted in the presence of the accused, the defense counsel, and the trial counsel and shall be made a part of the record.

“(b) When the members of a court-martial deliberate or vote, only the members may be present. All other proceedings, including any other consultation of the members of the court with counsel or the military judge, shall be made a part of the record and shall be in the presence of the accused, the defense counsel, the trial counsel, and, in cases in which a military judge has been detailed to the court, the military judge.”

(16) Section 840 (article 40) is amended to read as follows:

70A Stat. 51.

“§ 840. Art. 40. Continuances

“The military judge or a court-martial without a military judge may, for reasonable cause, grant a continuance to any party for such time, and as often, as may appear to be just.”

(17) Section 841 (article 41) is amended—

(A) by amending the first sentence of subsection (a) to read as follows: “The military judge and members of a general or special court-martial may be challenged by the accused or the trial counsel for cause stated to the court.”;

(B) by striking out the word “court” in the second sentence of subsection (a) and inserting the words “military judge, or, if none, the court,” in place thereof; and

(C) by striking out “law officer” in subsection (b) and inserting in lieu thereof “military judge”.

(18) Section 842(a) (article 42(a)) is amended to read as follows:

“(a) Before performing their respective duties, military judges, members of general and special courts-martial, trial counsel, assistant trial counsel, defense counsel, assistant defense counsel, reporters, and interpreters shall take an oath to perform their duties faithfully. The form of the oath, the time and place of the taking thereof, the manner of recording the same, and whether the oath shall be taken for all cases in which these duties are to be performed or for a particular case, shall be as prescribed in regulations of the Secretary concerned. These regulations may provide that an oath to perform faithfully duties as a military judge, trial counsel, assistant trial counsel, defense counsel, or assistant defense counsel may be taken at any time by any judge advocate, law specialist, or other person certified to be qualified or competent for the duty, and if such an oath is taken it need not again be taken at the time the judge advocate, law specialist, or other person is detailed to that duty.”

(19) Section 845 (article 45) is amended—

(A) by striking out the words “arraigned before a court-martial” in subsection (a) and inserting the words “after arraignment” in place thereof; and

(B) by amending subsection (b) to read as follows:

“(b) A plea of guilty by the accused may not be received to any charge or specification alleging an offense for which the death penalty may be adjudged. With respect to any other charge or specification to which a plea of guilty has been made by the accused and accepted by the military judge or by a court-martial without a military judge, a finding of guilty of the charge or specification may, if permitted by regulations of the Secretary concerned, be entered immediately without vote. This finding shall constitute the finding of the court unless

the plea of guilty is withdrawn prior to announcement of the sentence, in which event the proceedings shall continue as though the accused had pleaded not guilty."

70A Stat. 53.

(20) Section 849(a) (article 49(a)) is amended by inserting after the word "unless" the words "the military judge or court-martial without a military judge hearing the case or, if the case is not being heard,".

(21) Section 851 (article 51) is amended—

(A) by amending the first sentence of subsection (a) to read as follows: "Voting by members of a general or special court-martial on the findings and on the sentence, and by members of a court-martial without a military judge upon questions of challenge, shall be by secret written ballot.";

(B) by amending the first three sentences of subsection (b) to read as follows: "The military judge and, except for questions of challenge, the president of a court-martial without a military judge shall rule upon all questions of law and all interlocutory questions arising during the proceedings. Any such ruling made by the military judge upon any question of law or any interlocutory question other than the factual issue of mental responsibility of the accused, or by the president of a court-martial without a military judge upon any question of law other than a motion for a finding of not guilty, is final and constitutes the ruling of the court. However, the military judge or the president of a court-martial without a military judge may change his ruling at any time during the trial."

(C) by striking out the words "law officer of a general court-martial and the president of a special court-martial shall, in the presence of the accused and counsel, instruct the court as to the elements of the offense and charge the court" in the first sentence of subsection (c) and inserting the words "military judge or the president of a court-martial without a military judge shall, in the presence of the accused and counsel, instruct the members of the court as to the elements of the offense and charge them" in place thereof; and

(D) by adding the following new subsection at the end thereof:

"(d) Subsections (a), (b), and (c) do not apply to a court-martial composed of a military judge only. The military judge of such a court-martial shall determine all questions of law and fact arising during the proceedings and, if the accused is convicted, adjudge an appropriate sentence. The military judge of such a court-martial shall make a general finding and shall in addition on request find the facts specially. If an opinion or memorandum of decision is filed, it will be sufficient if the findings of fact appear therein."

(22) Section 852 (article 52) is amended—

(A) by inserting the words "as provided in section 845(b) of this title (article 45(b)) or" after the word "except" in subsection (a)(2); and

(B) by inserting immediately before the period in the first sentence of subsection (c) the words ", but a determination to reconsider a finding of guilty or to reconsider a sentence, with a view toward decreasing it, may be made by any lesser vote which indicates that the reconsideration is not opposed by the number of votes required for that finding or sentence."

(23) Section 854(a) (article 54(a)) is amended to read as follows:

"(a) Each general court-martial shall keep a separate record of the proceedings in each case brought before it, and the record shall be

authenticated by the signature of the military judge. If the record cannot be authenticated by the military judge by reason of his death, disability, or absence, it shall be authenticated by the signature of the trial counsel or by that of a member if the trial counsel is unable to authenticate it by reason of his death, disability, or absence. In a court-martial consisting of only a military judge the record shall be authenticated by the court reporter under the same conditions which would impose such a duty on a member under this subsection. If the proceedings have resulted in an acquittal of all charges and specifications or, if not affecting a general or flag officer, in a sentence not including discharge and not in excess of that which may otherwise be adjudged by a special court-martial, the record shall contain such matters as may be prescribed by regulations of the President."

(24) Section 857 (article 57) is amended by inserting the words "or deferred" after "suspended" in subsections (a) and (b); and by adding at the end thereof a new subsection as follows:

70A Stat. 56.

"(d) On application by an accused who is under sentence to confinement that has not been ordered executed, the convening authority or, if the accused is no longer under his jurisdiction, the officer exercising general court-martial jurisdiction over the command to which the accused is currently assigned, may in his sole discretion defer service of the sentence to confinement. The deferment shall terminate when the sentence is ordered executed. The deferment may be rescinded at any time by the officer who granted it or, if the accused is no longer under his jurisdiction, by the officer exercising general court-martial jurisdiction over the command to which the accused is currently assigned."

(25) The table of sections at the beginning of subchapter IX is amended by striking out

10 USC 859-876.

"866. 66. Review by board of review."

and inserting in lieu thereof the following:

"866. 66. Review by Court of Military Review."

(26) Section 865(b) is amended by striking out "board of review" each time it appears therein and inserting in lieu thereof "Court of Military Review".

(27) Section 866 (article 66) is amended—

(A) by striking out the catchline and inserting in lieu thereof the following:

"§ 866. Art. 66. Review by Court of Military Review";

(B) by amending subsection (a) to read as follows:

"(a) Each Judge Advocate General shall establish a Court of Military Review which shall be composed of one or more panels, and each such panel shall be composed of not less than three appellate military judges. For the purpose of reviewing court-martial cases, the court may sit in panels or as a whole in accordance with rules prescribed under subsection (f). Appellate military judges who are assigned to a Court of Military Review may be commissioned officers or civilians, each of whom must be a member of a bar of a Federal court or of the highest court of a State. The Judge Advocate General shall designate as chief judge one of the appellate military judges of the Court of Military Review established by him. The chief judge shall determine on which panels of the court the appellate judges assigned to

the court will serve and which military judge assigned to the court will act as the senior judge on each panel.”;

(C) by striking out “board of review” each time it appears in subsections (b), (c), (d), and (e) and inserting in lieu thereof “Court of Military Review”;

(D) by striking out “boards of review” each time it appears in subsection (f) and inserting in lieu thereof “Courts of Military Review”; and

(E) by adding at the end thereof the following new subsections:

“(g) No member of a Court of Military Review shall be required, or on his own initiative be permitted, to prepare, approve, disapprove, review, or submit, with respect to any other member of the same or another Court of Military Review, an effectiveness, fitness, or efficiency report, or any other report or document used in whole or in part for the purpose of determining whether a member of the armed forces is qualified to be advanced in grade, or in determining the assignment or transfer of a member of the armed forces, or in determining whether a member of the armed forces should be retained on active duty.

“(h) No member of a Court of Military Review shall be eligible to review the record of any trial if such member served as investigating officer in the case or served as a member of the court-martial before which such trial was conducted, or served as military judge, trial or defense counsel, or reviewing officer of such trial.”.

70A Stat. 60.

(28) Subsections (b) and (f) of section 867 (article 67) are amended by striking out “board of review” each time it appears and inserting in lieu thereof “Court of Military Review”.

(29) Section 868 (article 68) is amended to read as follows:

“§ 868. Art. 68. Branch offices

“The Secretary concerned may direct the Judge Advocate General to establish a branch office with any command. The branch office shall be under an Assistant Judge Advocate General who, with the consent of the Judge Advocate General, may establish a Court of Military Review with one or more panels. That Assistant Judge Advocate General and any Court of Military Review established by him may perform for that command under the general supervision of the Judge Advocate General, the respective duties which the Judge Advocate General and a Court of Military Review established by the Judge Advocate General would otherwise be required to perform as to all cases involving sentences not requiring approval by the President.”

(30) Section 869 (article 69) is amended by adding the following new sentence at the end thereof: “Notwithstanding section 876 of this title (article 76), the findings or sentence, or both, in a court-martial case which has been finally reviewed, but has not been reviewed by a Court of Military Review may be vacated or modified, in whole or in part, by the Judge Advocate General on the ground of newly discovered evidence, fraud on the court, lack of jurisdiction over the accused or the offense, or error prejudicial to the substantial rights of the accused.”

(31) Subsections (b), (c), and (d) of section 870 (article 70) are amended by striking out “board of review” each time it appears and inserting in lieu thereof “Court of Military Review”.

(32) Section 871 (article 71) is amended—

(A) by striking out “board of review” in subsection (c) and inserting in lieu thereof “Court of Military Review”; and

(B) by inserting “or deferred” in the first sentence of subsection (d) immediately after “suspended”.

(33) Section 873 (article 73) is amended to read as follows:

“§ 873. Art. 73. Petition for a new trial

“At any time within two years after approval by the convening authority of a court-martial sentence, the accused may petition the Judge Advocate General for a new trial on the grounds of newly discovered evidence or fraud on the court. If the accused’s case is pending before a Court of Military Review or before the Court of Military Appeals, the Judge Advocate General shall refer the petition to the appropriate court for action. Otherwise the Judge Advocate General shall act upon the petition.

(34) Section 936(b) (article 136(b)) is amended by striking out “law officer” and inserting in lieu thereof “military judge”.

70A Stat. 77.

SEC. 3. (a) Whenever the term law officer is used, with reference to any officer detailed to a court-martial pursuant to section 826(a) (article 26(a)) of title 10, United States Code, in any provision of Federal law (other than provisions amended by this Act) or in any regulation, document, or record of the United States, such term shall be deemed to mean military judge.

Ante, p. 1336.

(b) Whenever the term board of review is used, with reference to or in connection with the appellate review of courts-martial cases, in any provision of Federal law (other than provisions amended by this Act) or in any regulation, document, or record of the United States, such term shall be deemed to mean Court of Military Review.

Court of Military Review.

SEC. 4. (a) Except for the amendments made by paragraphs (30) and (33) of section 2, this Act shall become effective on the first day of the tenth month following the month in which it is enacted.

Effective dates.

(b) The amendment made by paragraph (30) of section 2 shall become effective upon the date of enactment of this Act.

(c) The amendment made by paragraph (33) shall apply in the case of all court-martial sentences approved by the convening authority on or after, or not more than two years before, the date of its enactment.

Approved October 24, 1968.

Public Law 90-633

AN ACT

October 24, 1968

To amend the Immigration and Nationality Act to provide for the naturalization of persons who have served in active-duty service in the Armed Forces of the United States during the Vietnam hostilities, or in other periods of military hostilities, and for other purposes.

[H. R. 15147]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 329(a) of the Immigration and Nationality Act (8 U.S.C. 1440) is amended by inserting after “July 1, 1955,” the following: “or during a period beginning February 28, 1961, and ending on a date designated by the President by Executive order as of the date of termination of the Vietnam hostilities, or thereafter during any other period which the President by Executive order shall designate as a period in which Armed Forces of the United States are or were engaged in military operations involving armed conflict with a hostile foreign force.”

Armed Forces personnel in combat areas, naturalization.

66 Stat. 250;
75 Stat. 654.

SEC. 2. Section 329(b) (4) of the Immigration and Nationality Act is hereby amended by inserting after “July 1, 1955,” the following: “or during a period beginning February 28, 1961, and ending on a date designated by the President by Executive order as the date of

termination of the Vietnam hostilities, or thereafter during any other period which the President by Executive order shall designate as a period in which Armed Forces of the United States are or were engaged in military operations involving armed conflict with a hostile foreign force.”.

Naturalization
fees, exemption.

SEC. 3. Notwithstanding any other provision of law, no clerk of a United States court shall charge or collect a naturalization fee from an alien who has served in the military, air, or naval forces of the United States during a period beginning February 28, 1961, and ending on the date designated by the President by Executive order as the date of termination of the Vietnam hostilities, or thereafter during any other period which the President by Executive order shall designate as a period in which Armed Forces of the United States are or were engaged in military operations involving armed conflict with a hostile foreign force, and who is applying for naturalization during such periods under section 329 of the Immigration and Nationality Act, as amended by this Act, for filing a petition for naturalization or issuing a certificate of naturalization upon his admission to citizenship, and no clerk of any State court shall charge or collect any fee for such services unless the laws of the State require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected. A report of all transactions under this section shall be made to the Attorney General as in the case of other reports required of clerks of courts by title III of the Immigration and Nationality Act.

Report.

8 USC 1401-
1503.

SEC. 4. The third sentence of section 318 of the Immigration and Nationality Act (8 U.S.C. 1429) is hereby amended by striking out the language “sections 327 and 328” and substituting in lieu thereof the language “sections 328 and 329”.

SEC. 5. Section 328(b) (2) of the Immigration and Nationality Act (8 U.S.C. 1439) is hereby amended by inserting after the word “notwithstanding” the language “section 318 insofar as it relates to deportability and”.

SEC. 6. Section 329(b) (1) of the Immigration and Nationality Act (8 U.S.C. 1440) is hereby amended to read as follows:

“(1) he may be naturalized regardless of age, and notwithstanding the provisions of section 318 as they relate to deportability and the provisions of section 331;”.

66 Stat. 250.
8 USC 1440.

SEC. 7. The section heading of section 329 of the Immigration and Nationality Act is amended to read as follows:

“NATURALIZATION THROUGH ACTIVE-DUTY SERVICE IN THE ARMED FORCES DURING WORLD WAR I, WORLD WAR II, THE KOREAN HOSTILITIES, THE VIETNAM HOSTILITIES, OR IN OTHER PERIODS OF MILITARY HOSTILITIES”.

SEC. 8. That portion of the table of contents contained in the first section of the Immigration and Nationality Act which appears under the heading “TITLE III—NATIONALITY AND NATURALIZATION” is amended by changing the designation of section 329 to read as follows:

“Sec. 329. Naturalization through active-duty service in the Armed Forces during World War I, World War II, the Korean hostilities, the Vietnam hostilities, or in other periods of military hostilities.”

Approved October 24, 1968.

Public Law 90-634

AN ACT

To extend and amend the Renegotiation Act of 1951, and for other purposes.

October 24, 1968
[H. R. 17324]*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

TITLE I—RENEGOTIATION AMENDMENTS ACT OF 1968

SEC. 101. This title may be cited as the “Renegotiation Amendments Act of 1968”.

Renegotiation
amendments.
Antidumping Act
determinations.
International
Coffee Agreement
Act of 1968.

EXTENSION OF TERMINATION DATE

SEC. 102. Section 102(c) (1) of the Renegotiation Act of 1951, as amended (50 U.S.C. App., sec. 1212(c) (1)), is amended by striking out “June 30, 1968” and inserting in lieu thereof “June 30, 1971”.

70 Stat. 786;
80 Stat. 232.INFORMATION FURNISHED TO BOARD WITH RESPECT TO STANDARD
COMMERCIAL ARTICLES

SEC. 103. Section 105(e) (1) of the Renegotiation Act of 1951, as amended (50 U.S.C. App., sec. 1215(e) (1)), is amended by inserting after the second sentence the following new sentence: “Any person who, but for the provisions of section 106(e) (1) (A), would not be relieved for a fiscal year from the filing requirements of the first sentence of this paragraph by reason of the preceding sentence shall furnish for such fiscal year such information with respect to the application of such provisions (and with respect to the aggregate specified in the preceding sentence) as the Board may by regulations prescribe as necessary to carry out this title.”

MANDATORY EXEMPTION FOR STANDARD COMMERCIAL ARTICLES AND
SERVICES

SEC. 104. (a) (1) Paragraph (1) of section 106(e) of the Renegotiation Act of 1951, as amended (50 U.S.C. App., sec. 1216(e)), is amended—

- (A) by striking out subparagraph (B),
- (B) by inserting “or” at the end of subparagraph (A), and
- (C) by redesignating subparagraph (C) as subparagraph (B).

(2) Paragraph (3) of such section is amended by striking out “or (C)” each place it appears.

(b) Paragraph (4) of section 106(e) of such Act is amended to read as follows:

“(4) DEFINITIONS.—For the purposes of this subsection—

“(A) the term ‘article’ includes any material, part, component, assembly, machinery, equipment, or other personal property;

“(B) the term ‘standard commercial article’ means, with respect to any fiscal year, an article—

- “(i) which either is customarily maintained in stock by the contractor or subcontractor or is offered for sale in accordance with a price schedule regularly maintained by the contractor or subcontractor,

- “(ii) the price of which under any contract or subcontract subject to this title is not in excess of the lowest price at which such article is sold in similar quantity by the contractor or subcontractor for civilian industrial or

commercial use, except for any excess attributable to the cost of accelerated delivery or other significantly different circumstances, and

“(iii) from the sales of which by the contractor or subcontractor at least 55 percent of the receipts or accruals in such fiscal year are not (without regard to this subsection and subsection (c) of this section) subject to this title;

“(C) the term ‘service’ means any processing or other operation performed by chemical, electrical, physical, or mechanical methods directly on materials owned by another person;

“(D) the term ‘standard commercial service’ means, with respect to any fiscal year, a service—

“(i) the price of which under any contract or subcontract subject to this title is not in excess of the lowest price at which such service is performed under similar circumstances by the contractor or subcontractor for civilian industrial or commercial purposes, and

“(ii) from the performance of which by the contractor or subcontractor at least 55 percent of the receipts or accruals in such fiscal year are not (without regard to this subsection) subject to this title;

“(E) a service is, with respect to any fiscal year, ‘reasonably comparable with a standard commercial service’ only if—

“(i) such service is of the same or a similar kind, performed with the same or similar materials, and has the same or a similar result, without necessarily involving identical operations, as a standard commercial service from the performance of which the contractor or subcontractor has receipts or accruals in such fiscal year,

“(ii) the price of such service under any contract or subcontract subject to this title is not in excess of the lowest price at which such service is performed under similar circumstances by the contractor or subcontractor for civilian industrial or commercial purposes, and

“(iii) at least 55 percent of the aggregate receipts or accruals in such fiscal year by the contractor or subcontractor from the performance of such service and such standard commercial service are not (without regard to this subsection) subject to this title; and

“(F) the term ‘standard commercial class of articles’ means, with respect to any fiscal year, two or more articles with respect to which the following conditions are met:

“(i) at least one of such articles either is customarily maintained in stock by the contractor or subcontractor or is offered for sale in accordance with a price schedule regularly maintained by the contractor or subcontractor,

“(ii) all of such articles are of the same kind and manufactured of the same or substitute materials (without necessarily being of identical specifications),

“(iii) the price of each of such articles under any contract or subcontract subject to this title is not in excess of the lowest price at which such article is sold in similar quantity by the contractor or subcontractor for civilian

industrial or commercial use, except for any excess attributable to the cost of accelerated delivery or other significantly different circumstances,

“(iv) all of such articles are sold at reasonably comparable prices, and

“(v) at least 55 percent of the aggregate receipts or accruals in such fiscal year by the contractor or subcontractor from sales of all such articles are not (without regard to this subsection and subsection (c) of this section) subject to this title.”

EFFECTIVE DATES

SEC. 105. The amendment made by section 102 shall take effect as of June 30, 1968. The amendments made by sections 103 and 104 shall apply with respect to amounts received or accrued in fiscal years of contractors and subcontractors ending after the date of the enactment of this Act.

TITLE II—ADMINISTRATION OF THE ANTIDUMPING ACT, 1921

DETERMINATIONS UNDER THE ANTIDUMPING ACT, 1921

SEC. 201. (a) Nothing contained in the International Antidumping Code, signed at Geneva on June 30, 1967, shall be construed to restrict the discretion of the United States Tariff Commission in performing its duties and functions under the Antidumping Act, 1921, and in performing their duties and functions under such Act the Secretary of the Treasury and the Tariff Commission shall—

19 UST 4348.

42 Stat. 11.
19 USC 160-
171.

(1) resolve any conflict between the International Antidumping Code and the Antidumping Act, 1921, in favor of the Act as applied by the agency administering the Act, and

(2) take into account the provisions of the International Antidumping Code only insofar as they are consistent with the Antidumping Act, 1921, as applied by the agency administering the Act.

(b) No later than August 1, 1969, the President shall submit to the House of Representatives and United States Senate a report for the period beginning on July 1, 1968, and ending on June 30, 1969, which shall—

Report to Congress.

(1) set out the text of all determinations made by the Secretary of the Treasury and the United States Tariff Commission under the Antidumping Act, 1921, in such period;

(2) analyze with respect to each determination in such period the manner in which the Antidumping Act, 1921, has been administered to take into account the provisions of the International Antidumping Code;

(3) summarize antidumping actions taken by other countries in such period against United States exports and relate such actions to the provisions of the International Antidumping Code; and

(4) include such recommendations as the President determines appropriate concerning the administration of the Antidumping Act, 1921.

TITLE III—INTERNATIONAL COFFEE AGREEMENT ACT OF 1968

SHORT TITLE

SEC. 301. This title may be cited as the “International Coffee Agreement Act of 1968”.

AUTHORITY FOR IMPLEMENTATION OF AGREEMENT

19 UST 6333.

SEC. 302. On and after the entry into force of the International Coffee Agreement, 1968, and for such period prior to October 1, 1970, as the agreement remains in effect, the President is authorized, in order to carry out and enforce the provisions of that agreement—

(1) to regulate the entry of coffee for consumption, or withdrawal of coffee from warehouse for consumption, or any other form of entry or withdrawal of coffee such as for transportation or exportation, including (A) the limitation of entry, or withdrawal from warehouse, of coffee imported from countries which are not members of the International Coffee Organization, (B) the prohibition of entry of any shipment from any member of the International Coffee Organization of coffee which is not accompanied by a valid certificate of origin or a valid certificate of reexport, issued by a qualified agency in such form as required under the agreement, and (C) the imposition of special fees or such other measures as he deems appropriate to offset discriminatory treatment by other governments in favor of the export or reexport of processed coffee;

(2) to require that every export or reexport of coffee from the United States shall be accompanied by a valid certificate of origin or a valid certificate of reexport, issued by a qualified agency of the United States designated by him, in such form as required under the agreement;

(3) to require the keeping of such records, statistics, and other information, and the rendering of such reports, relating to the importation, distribution, prices, and consumption of coffee as he may from time to time prescribe; and

(4) to take such other action, and issue and enforce such rules and regulations, as he may consider necessary or appropriate in order to implement the obligations of the United States under the agreement.

DEFINITION OF COFFEE

SEC. 303. As used in section 302, “coffee” means coffee as defined in article 2 of the International Coffee Agreement, 1968.

DELEGATION OF POWERS AND DUTIES; PROTECTION OF UNITED STATES CONSUMERS

SEC. 304. The President may exercise any powers and duties conferred on him by this title through such agency or officer as he shall direct. The powers and duties conferred by this title shall be exercised in the manner the President considers appropriate to protect the interests of United States consumers. In the event the President determines that there has been an unwarranted increase in the price of coffee due in whole or in part to the International Coffee Agreement, the President shall request the International Coffee Council and the Executive Board to take appropriate action. At the same time he shall

report his determination to the Congress. In the event the International Coffee Council has failed to take corrective action to remedy the situation within a reasonable time after such request, the President shall submit to the Congress such recommendations as he may consider appropriate to correct the situation.

REPORTS TO CONGRESS

SEC. 305. The President shall submit to the Congress an annual report on the International Coffee Agreement, 1968. Such report shall contain full information on the operation of such agreement, including full information with respect to the general level of prices of coffee and matters pertaining to the transportation of coffee from exporting countries to the United States. The report shall also include a summary of the actions the United States and the International Coffee Organization have taken to protect the interests of United States consumers.

19 UST 6333.

PREVENTION OF DISCRIMINATION AGAINST UNITED STATES-FLAG SHIPS

SEC. 306. (a) Upon complaint of any interested party filed after the date of enactment of this title, the President shall promptly make an investigation to determine whether any exporting country which is a member of the International Coffee Organization, or group of exporting countries which includes any member of such Organization, is taking action which, directly or indirectly, discriminates, or threatens to discriminate, against vessels registered under the laws of the United States in the shipping of coffee to the United States. If the President finds that discrimination, or threat thereof, exists, he shall notify the Federal Maritime Commission which shall promptly make appropriate rules and regulations under section 19 of the Merchant Marine Act, 1920. If, within a reasonable time thereafter, the President finds that the effect of discrimination, or threat thereof, still exists, the authority conferred by section 302 shall cease to apply until such time as the President finds that the effect of discrimination, or threat thereof, has ceased to exist.

41 Stat. 995.
46 USC 876.

(b) The President shall cause to be published promptly in the Federal Register (1) a copy of each complaint filed under subsection (a), (2) the results of the investigation made with respect to each such complaint and his findings thereunder, and (3) in the case of each complaint with respect to which he makes an affirmative finding of discrimination, or threat thereof, any rules and regulations made by the Federal Maritime Commission pursuant to subsection (a) and each subsequent finding made by him under such subsection.

Publication in
Federal Register.

(c) Nothing contained in subsection (a) shall be construed to affect the powers and duties of the Federal Maritime Commission determined without regard to the provisions of such subsection.

TITLE IV—MISCELLANEOUS AMENDMENT

SEC. 401. (a) Section 103(c)(6) of the Internal Revenue Code of 1954 (relating to exemption for certain small issues in the case of industrial development bonds) is amended by adding at the end thereof the following new subparagraphs:

Industrial de-
velopment bonds,
exemption.
Ante, p. 267.

“(D) \$5,000,000 LIMIT IN CERTAIN CASES.—At the election of the issuer, made at such time and in such manner as the Secretary or his delegate shall by regulations prescribe, with respect to any issue this paragraph shall be applied—

“(i) by substituting ‘\$5,000,000’ for ‘\$1,000,000’ in subparagraph (A), and

“(ii) in determining the aggregate face amount of such issue, by taking into account not only the amount described in subparagraph (B), but also the aggregate amount of capital expenditures with respect to facilities described in subparagraph (E) paid or incurred during the 6-year period beginning 3 years before the date of such issue and ending 3 years after such date (and financed otherwise than out of the proceeds of outstanding issues to which subparagraph (A) applied), as if the aggregate amount of such capital expenditures constituted the face amount of a prior outstanding issue described in subparagraph (B).

“(E) FACILITIES TAKEN INTO ACCOUNT.—For purposes of subparagraph (D)(ii), the facilities described in this subparagraph are facilities—

“(i) located in the same incorporated municipality or located in the same county (but not in any incorporated municipality), and

“(ii) the principal user of which is or will be the same person or two or more related persons.

For purposes of clause (i), the determination of whether or not facilities are located in the same governmental unit shall be made as of the date of issue of the issue in question.

“(F) CERTAIN CAPITAL EXPENDITURES NOT TAKEN INTO ACCOUNT.—For purposes of subparagraph (D)(ii), any capital expenditure—

“(i) to replace property destroyed or damaged by fire, storm, or other casualty, to the extent of the fair market value of the property replaced,

“(ii) required by a change made after the date of issue of the issue in question in a Federal or State law or local ordinance of general application or required by a change made after such date in rules and regulations of general application issued under such a law or ordinance, or

“(iii) required by circumstances which could not be reasonably foreseen on such date of issue or arising out of a mistake of law or fact (but the aggregate amount of expenditures not taken into account under this clause with respect to any issue shall not exceed \$250,000),

shall not be taken into account.

“(G) LIMITATION ON LOSS OF TAX EXEMPTION.—In applying subparagraph (D)(ii) with respect to capital expenditures made after the date of any issue, no obligation issued as a part of such issue shall be treated as an obligation not described in subsection (a)(1) by reason of any such expenditure for any period before the date on which such expenditure is paid or incurred.

“(H) CERTAIN REFINANCING ISSUES.—In the case of any issue described in subparagraph (A)(ii), an election may be made under subparagraph (D) only if all of the prior issues being redeemed are issues to which subparagraph (A) applies. In applying subparagraph (D)(ii) with respect to such a refinancing issue, capital expenditures shall be taken into account only for purposes of determining whether the prior issues being redeemed qualified (and would have continued to qualify) under subparagraph (A).”

(b) The amendment made by subsection (a) shall apply with respect to obligations issued after the date of the enactment of this Act.

Approved October 24, 1968.

Public Law 90-635

AN ACT

For implementing Conventions for Free Admission of Professional Equipment and Containers, and for ATA, ECS, and TIR Carnets.

October 24, 1968
[H. R. 18373]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part 5 of schedule 2 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting after item 270.10 the following new item:

Tariffs.
Free admission
of professional
equipment, con-
tainers, and car-
nets.
77A Stat. 109;
80 Stat. 897.

" 270.15 | International customs forms (carnets), and parts thereof, in | Free | Free |,"
English or French (whether or not in additional languages).....

SEC. 2. (a) The article description for item 864.50 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended to read as follows: "Professional equipment, tools of trade, repair components for equipment or tools admitted under this item, and camping equipment; all the foregoing imported by or for nonresidents sojourning temporarily in the United States and for the use of such nonresidents".

77A Stat. 424.

(b) Headnote 1 for subpart C of part 5 of schedule 8 of such Schedules is amended—

77A Stat. 422;
78 Stat. 231.

(1) by inserting "(a)" after "1.";

(2) by inserting "(1)" after "except that" in the first sentence, and by inserting before the period at the end of such sentence the following: ", and (2) in the case of professional equipment and tools of trade admitted to the United States under item 864.50 which have been seized (other than by seizure made at the suit of private persons), the requirement of reexportation shall be suspended for the duration of the seizure"; and

(3) by adding at the end thereof the following:

"(b) For articles admitted into the United States under item 864.50, entry shall be made by the nonresident importing the articles or by an organization represented by the nonresident which is established under the laws of a foreign country or has its principal place of business in a foreign country."

SEC. 3. (a) The article description for item 808.00 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting before the period at the end thereof the following: ", and repair components for a particular container of foreign production which is an instrument of international traffic".

77A Stat. 409.

(b) Headnote 1 of subpart C of part 1 of schedule 8 of such Schedules is amended by inserting before the period at the end thereof the following: ", and also covers certain repair components".

SEC. 4. Each of the preceding sections of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on and after a date which shall be proclaimed by the President, which date shall be consonant with the entering into force for the United States of the customs convention or conventions which such section implements.

Effective date.

Approved October 24, 1968.

Public Law 90-636

AN ACT

October 24, 1968
[S. 2938]

To extend expiring provisions under the Manpower Development and Training Act of 1962, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Manpower Development and Training Act of 1962 is amended as follows:

(1) Section 104(a) of the Act (LABOR MOBILITY DEMONSTRATION PROJECTS) is amended by striking out "1968" in the first sentence of such section, and inserting in lieu thereof "1970";

(2) Section 105 of the Act (TRAINEE PLACEMENT ASSISTANCE DEMONSTRATION PROJECTS) is amended by striking out "1968" in the first sentence of such section, and inserting in lieu thereof "1970";

(3) Section 251 of the Act (PART D—CORRECTIONAL INSTITUTIONS) is amended by striking out "1969" in the first sentence of such section, and inserting in lieu thereof "1970";

(4) Section 304(d) of the Act is amended by striking out "1968" and "1969", and inserting respectively in lieu thereof "1969" and "1970";

(5) Sections 310(a) and 310(b) of the Act are amended by striking out "1969" wherever it appears, and inserting in lieu thereof "1972".

SEC. 2. Section 106 of the Manpower Development and Training Act of 1962 is amended to read as follows:

"LABOR MARKET INFORMATION AND JOB MATCHING PROGRAM

"SEC. 106. (a) The Secretary of Labor shall develop a comprehensive system of labor market information on a national, State, local, or other appropriate basis, including but not limited to information regarding—

"(1) the nature and extent of impediments to the maximum development of individual employment potential including the number and characteristics of all persons requiring manpower services;

"(2) job opportunities and skill requirements;

"(3) labor supply in various skills;

"(4) occupational outlook and employment trends in various occupations; and

"(5) in cooperation and after consultation with the Secretary of Commerce, economic and business development and location trends.

Information collected under this subsection shall be developed and made available in a timely fashion in order to meet in a comprehensive manner the needs of public and private users, including the need for such information in recruitment, counseling, education, training, placement, job development, and other appropriate activities under this Act and under the Economic Opportunity Act of 1964, the Social Security Act, the Public Works and Economic Development Act of 1965, the Wagner-Peyser Act, the Vocational Education Act of 1963, the Vocational Rehabilitation Act, the Demonstration Cities and Metropolitan Development Act of 1966, and other relevant Federal statutes.

"(b) The Secretary of Labor shall develop and publish on a regular basis information on available job opportunities throughout the United

Manpower Development and Training Act of 1962, amendment.
80 Stat. 1434.
42 USC 2572b.

42 USC 2572c.

42 USC 2610b.

42 USC 2614.

79 Stat. 80.
42 USC 2620.

76 Stat. 25;
79 Stat. 75;
42 USC 2573.

42 USC 2701
note, 1305, 3121
note.
29 USC 49 et
seq.
20 USC 35 note.
31 note.
42 USC 3301
note.

States on a National, State, local, or other appropriate basis for use in public and private job placement and related activities and in connection with job matching programs conducted pursuant to this subsection. The Secretary is directed to develop and establish a program for matching the qualifications of unemployed, underemployed, and low-income persons with employer requirements and job opportunities on a National, State, local, or other appropriate basis. Such programs shall be designed to provide a quick and direct means of communication among local recruitment, job training and placement agencies and organizations, and between such agencies and organizations on a National, State, local, or other appropriate basis, with a view to the referral and placement of such persons in jobs. In the development of such a program, the Secretary shall make maximum possible use of electronic data processing and telecommunication systems for the storage, retrieval, and communication of job and worker information.

“(c) A report on the activities and achievements under this section shall be included in the report required under section 107.

42 USC 2574.

“(d) Not less than 2 per centum of the sums appropriated in any fiscal year to carry out titles I, II, and III of this Act shall be available only for carrying out the provisions of subsection (b) of this section.”

42 USC 2571,
2581, 2611.

SEC. 3. (a) Section 202(f) of the Manpower Development and Training Act of 1962 is amended by striking “(i)” and inserting in lieu thereof “(j)”.

42 USC 2582.

(b) The first sentence of section 231 of such Act is amended by striking “(i)” and inserting in lieu thereof “(j)”.

42 USC 2601.

SEC. 4. Section 203(c) of the Manpower Development and Training Act of 1962 is amended by striking out the words “at a rate not in excess of \$20 a week” and by inserting in lieu thereof the following: “at a rate which shall not exceed the average weekly gross unemployment compensation payment (including allowances for dependents) for a week of total unemployment in the State making such payments during the most recent four-calendar-quarter period for which such data are available”.

Training
allowances.
42 USC 2583.

SEC. 5. (a) Section 203(a) of the Manpower Development and Training Act of 1962 is amended by striking out “and the Virgin Islands” and inserting in lieu thereof “, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands”.

(b) The third sentence of section 231 of such Act is amended by inserting after “purposes of the Act” the following: “, and except that the State agency for the Trust Territory of the Pacific Islands may be paid up to 100 per centum of such costs”.

Agreements
with States.
42 USC 2601.

(c) Section 308 of such Act is amended by striking out “and Guam” and inserting in lieu thereof “Guam, American Samoa, and the Trust Territory of the Pacific Islands”.

“State.”
42 USC 2618.

SEC. 6. Section 204(a) of the Manpower Development and Training Act of 1962 is amended by inserting before the period at the end thereof a colon and the following: “*Provided*, That the Secretary shall not refuse to receive for consideration any application from an applicant who desires to conduct a training program under this part”.

On-the-job
training.
42 USC 2584.

SEC. 7. Section 231 of the Manpower Development and Training Act of 1962 is amended by renumbering the existing provisions (a) and by adding new subsection (b) as follows:

Skills center.

“(b) In making arrangements for institutional training financed in whole or in part with funds appropriated to carry out title I, and title II, parts A, B, C, and D of this Act, including but not limited to basic education, employability and communications skills, prevocational training, vocational and technical programs, and supplementary

42 USC 2571,
2581.

or related instruction for on-the-job training whether conducted at the job site or elsewhere, priority shall be given to the use of skills centers as established under the authority of this section."

Funds, apportionment.
42 USC 2611.

SEC. 8. The first sentence of section 301 of the Manpower Development and Training Act of 1962 is amended by adding before the period a comma and the following: "but in no event shall any State be apportioned less than \$750,000; except that for the Virgin Islands, Guam, and American Samoa, such amount shall be \$100,000 each".

Secretary's re-apportionment of funds; limitation.

SEC. 9. Section 301 of the Manpower Development and Training Act of 1962 is amended (1) by striking out "sixth month" in the proviso therein and inserting in lieu thereof "ninth month", (2) by striking out "30 days" in such proviso and by inserting in lieu thereof "15 days", and (3) by striking out in such proviso "except that the requirement for prior notice shall not apply with respect to any reapportionment made during the last quarter of the fiscal year".

State administration of funds.

SEC. 10. Section 301 of the Manpower Development and Training Act of 1962 is further amended by inserting "(a)" immediately after "SEC. 301." and by adding the following new subsection at the end thereof:

"(b) Where the Secretaries of Labor and Health, Education, and Welfare have approved a plan submitted by a State council with whom they have an agreement under this Act, which plan may be submitted under a comprehensive area manpower planning system or under such other planning requirements as the Secretaries may specify, such State agency shall have authority to approve (1) project applications for an amount not to exceed 20 per centum of the funds apportioned to such State under the first sentence of section 301(a) without further project approval by the Federal Government; and (2) all other project applications which conform to such State plan, unless either of the Secretaries disapprove such project applications within 30 days following receipt of such applications."

42 USC 2618.

SEC. 11. The Manpower Development and Training Act of 1962 is amended by inserting after section 308 the following new section:

"TRAINING AND TECHNICAL ASSISTANCE

"SEC. 309. (a) In carrying out the responsibilities under this Act, the Secretary of Labor and the Secretary of Health, Education, and Welfare shall provide, directly or through grants, contracts, or other arrangements, training for specialized or other personnel and technical assistance which is needed in connection with the programs established under this Act or which otherwise pertains to the purposes of this Act. Upon request, the Secretary may make special assignments of personnel to public or private agencies, institutions, or employers to carry out the purposes of this section; but no such special assignments shall be for a period of more than two years.

42 USC 2571,
2581, 2611.

"(b) Two per centum of the sums appropriated in any fiscal year to carry out titles I, II, and III of this Act shall be available only for training and assistance authorized by this section."

SEC. 12. The Manpower Development and Training Act of 1962 is further amended by adding at the end thereof a new title as follows:

"TITLE IV—SEASONAL UNEMPLOYMENT IN THE CONSTRUCTION INDUSTRY

"SEC. 401. (a) The Congress finds that seasonal unemployment represents a substantial portion of the unemployment in the construction industry, and a significant portion of all unemployment, that

seasonal unemployment results in economic hardship for construction employees, employers, and for the consumers of construction services; that such unemployment constitutes unnecessary and wasteful misuse of the Nation's manpower resources; that stabilization of construction operations may be expected to have a correspondingly stabilizing effect on construction employment and costs; and that it is highly desirable from the standpoint of the economy as a whole, and manpower policy in particular that positive and expeditious action be taken by public authorities and private groups to regularize construction employment.

“(b) It is therefore the purpose of this title to provide for the conduct of a study of seasonality in the construction industry, with special attention to its implications for national manpower policy.

Study.

“SEC. 402. The Secretary of Labor and the Secretary of Commerce, jointly, shall study, investigate, conduct research, and prepare a report containing their findings and recommendations concerning means to achieve stabilization of employment in the construction industry and the diminishment of seasonality of employment in such industry, with special attention to its implications for national manpower policy, and shall transmit such report to the President and to the Congress no later than December 31, 1969.

Report to
President and
Congress.

“SEC. 403. Matters which the Secretary of Labor and the Secretary of Commerce, after consultation with other appropriate officials of Federal agencies, including, but not necessarily limited to, the Secretary of Health, Education, and Welfare, the Secretary of Housing and Urban Development, the Secretary of the Interior, the Secretary of Transportation, the Administrator of the General Services Administration, and the Director of the Bureau of the Budget, and with engineers, with other appropriate officials of Federal agencies, including, but not necessarily limited to, the Secretary of Health, Education, and Welfare, the Secretary of Housing and Urban Development, the Secretary of the Interior, the Secretary of Transportation, the Administrator of the General Services Administration, and the Director of the Bureau of the Budget, and with engineers, architects, and representatives of labor and management in the construction industry, shall consider, shall include, but not necessarily be limited to, the extent to which seasonal unemployment in the construction industry can be reduced without substantial increases in construction costs by means such as—

Consultation
with officials of
Federal Agencies.

“(a) the application of modern techniques to reduce the influence of weather on construction activity;

“(b) the resolution of technical problems which have not been solved by existing research and development activities;

“(c) possible changes in contract procedures in allocation cycles; and

“(d) improved planning and scheduling of construction projects.”

SEC. 13. The Manpower Development and Training Act of 1962 is amended by adding at the end thereof the following new title:

“TITLE V—SUPPLEMENTARY STATE PROGRAMS

“STATEMENT OF PURPOSE

“SEC. 501. It is the purpose of this title to provide a method whereby a State may utilize Federal matching funds, together with its own funds for the purposes of supplementing, coordinating and improving

the effectiveness of, or correcting imbalances among, the services available from all Federal manpower and related programs seeking to improve the ability of disadvantaged persons to move into productive employment.

“AUTHORIZATION FOR GRANTS

“SEC. 502. The Secretary of Labor (hereinafter in this title referred to as the Secretary) is authorized to grant to any State which meets the requirements of section 403 an amount, for fiscal years 1969 and 1970, not to exceed 75 per centum of the cost of the supplemental efforts and activities undertaken by a State pursuant to the provisions of this title.

“APPLICATIONS AND CONDITIONS

“SEC. 503. (a) Any State which desires a grant under this title shall make application to the Secretary at such time, in such manner, and containing or accompanied by such information as he deems reasonably necessary.

“(b) No grant may be made under the provisions of this title unless the Secretary finds that—

“(1) after consultation with said State, the effectiveness of Federal manpower and related programs seeking to move disadvantaged persons into productive employment within such State can be facilitated or improved by additional State efforts and activities; and

“(2) such application (A) describes how such additional efforts and activities will be undertaken in support of existing Federal programs, (B) demonstrates that such efforts and activities are not inconsistent with such State's cooperative area manpower planning system plan, (C) demonstrates that such efforts and activities will contribute to carrying out the purposes of this title, and (D) provides assurances that the State will pay the non-Federal share of the cost of such efforts and activities under this title.

“RULES AND REGULATIONS

“SEC. 504. The Secretary may prescribe such rules and regulations under this title as he deems necessary.

“AUTHORIZATION OF APPROPRIATIONS

“SEC. 505. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.”

Approved October 24, 1968.

Public Law 90-637

AN ACT

To establish a National Memorial to Woodrow Wilson.

October 24, 1968
[S. 3174]

Woodrow Wilson
Memorial Act of
1968.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Woodrow Wilson Memorial Act of 1968.”

DECLARATION OF POLICY

SEC. 2. The Congress hereby finds and declares—

(1) that a living institution expressing the ideals and concerns of Woodrow Wilson would be an appropriate memorial to his accomplishments as the twenty-eighth President of the United States, a distinguished scholar, an outstanding university president, and a brilliant advocate of international understanding;

(2) that the Woodrow Wilson Memorial Commission, created by joint resolution of Congress, recommended that an International Center for Scholars be constructed in the District of Columbia in the area north of the proposed Market Square as part of the Nation's memorial to Woodrow Wilson;

(3) that such a center, symbolizing and strengthening the fruitful relation between the world of learning and the world of public affairs, would be a suitable memorial to the spirit of Woodrow Wilson; and

(4) that the establishment of such a center would be consonant with the purposes of the Smithsonian Institution, created by Congress in 1846 "for the increase and diffusion of knowledge among men."

75 Stat. 783.

9 Stat. 102.

THE CENTER AND THE BOARD OF TRUSTEES

SEC. 3. (a) There is hereby established in the Smithsonian Institution a Woodrow Wilson International Center for Scholars and a Board of Trustees of the Center (hereinafter referred to as the "Center" and the "Board"), whose duties it shall be to maintain and administer the Center and site thereof and to execute such other functions as are vested in the Board by this Act.

Woodrow Wilson
International
Center for
Scholars; Board of
Trustees of the
Center.
Establishment.

(b) The Board of Trustees shall be composed of fifteen members as follows:

Membership.

- (1) the Secretary of State;
- (2) the Secretary of Health, Education, and Welfare;
- (3) the Chairman of the National Endowment for the Humanities;
- (4) the Secretary of the Smithsonian Institution;
- (5) the Librarian of Congress;
- (6) the Archivist of the United States;
- (7) one appointed by the President from time to time from within the Federal Government; and
- (8) eight appointed by the President from private life.

(c) Each member of the Board of Trustees specified in paragraphs (1) through (7) of subsection (b) may designate another official to serve on the Board of Trustees in his stead.

(d) Each member of the Board of Trustees appointed under paragraph (8) of subsection (b) shall serve for a term of six years from the expiration of his predecessor's term; except that (1) any trustee appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (2) the terms of office of the trustees first taking office shall begin on the date of the enactment of this Act, and shall expire as designated at the time of appointment, two at the end of two years, three at the end of four years, and three at the end of six years. No trustee of the Board chosen from private life

Term.

shall be eligible to serve in excess of two consecutive terms, except that a trustee whose term has expired may serve until his successor has qualified.

(e) The President shall designate a Chairman and a Vice Chairman from among the members of the Board chosen from private life.

POWERS AND DUTIES OF THE BOARD

SEC. 4. (a) In administering the Center, the Board shall have all necessary and proper powers, which shall include but not be limited to the power to—

(1) appoint scholars, from the United States and abroad, and, where appropriate, provide stipends, grants, and fellowships to such scholars, and to hire or accept the voluntary services of consultants, advisory boards, and panels to aid the Board in carrying out its responsibilities;

(2) solicit, accept, and dispose of gifts, bequests, and devices of money, securities, and other property of whatsoever character for the benefit of the Center; any such money, securities, or other property shall, upon receipt, be deposited with the Smithsonian Institution, and unless otherwise restricted by the terms of the gift, expenditures shall be in the discretion of the Board for the purposes of the Center;

(3) obtain grants from, and make contracts with, State, Federal, local, and private agencies, organizations, institutions, and individuals;

(4) acquire such site as a location for the Center as may subsequently be authorized by the Congress;

(5) acquire, hold, maintain, use, operate, and dispose of any physical facilities, including equipment, necessary for the operation of the Center;

(6) appoint and fix the compensation and duties of the director and such other officers of the Center as may be necessary for the efficient administration of the Center; the director and two other officers of the Center may be appointed and compensated without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service and chapter 51 and subchapter III of chapter 53 of title 5 of the United States Code; and

(7) prepare plans and specifications for the Center, including the design and development of all buildings, facilities, open spaces, and other structures on the site in consultation with the President's Temporary Commission on Pennsylvania Avenue, or its successor, and with other appropriate Federal and local agencies, such plans to include an exterior classic frieze memorial to Woodrow Wilson.

(b) The Board shall, in connection with acquisition of any site authorized by Congress, as provided for in paragraph (4) of subsection (a) of this section, provide, to businesses and residents displaced from any such site, relocation assistance, including payments and other benefits, equivalent to that authorized to displace businesses and residents under the Housing Act of 1949, as amended. The Board shall develop a relocation program for existing businesses and residents within the site and submit such program to the government of the District of Columbia for a determination as to its adequacy and feasibility. In providing such relocation assistance and developing

5 USC 5101 *et seq.*
5331 *et seq.*

63 Stat. 413.
42 USC 1441
note.

such relocation program the Board shall utilize to the maximum extent the services and facilities of the appropriate Federal and local agencies.

ADMINISTRATION

SEC. 5. The Board is authorized to adopt an official seal which shall be judicially noticed and to make such bylaws, rules, and regulations as it deems necessary for the administration of its functions under this Act, including, among other matters, bylaws, rules, and regulations relating to the administration of its trust funds and the organization and procedure of the Board. A majority of the members of the Board shall constitute a quorum for the transaction of business.

APPROPRIATION

SEC. 6. There are hereby authorized to be appropriated to the Board such funds as may be necessary to carry out the purposes of this Act: *Provided*, That no more than \$200,000 shall be authorized for appropriation through fiscal year 1970 and no part of that appropriation shall be available for construction purposes.

RECORDS AND AUDIT

SEC. 7. The accounts of the Board shall be audited in accordance with the principles and procedures applicable to, and as part of, the audit of the other Federal and trust funds of the Smithsonian Institution.

Approved October 24, 1968.

Public Law 90-638

AN ACT

To amend the Tariff Schedules of the United States with respect to the rate of duty on certain nonmalleable iron castings, and for other purposes.

October 24, 1968
[H. R. 653]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) schedule 6, part 4, subpart A of the Tariff Schedules of the United States (19 U.S.C., sec. 1202) is amended by striking out item 662.20 and inserting in lieu thereof the following:

Tariff Schedules.
Iron castings,
rate of duty.
77A Stat. 311.

“		Other:			
662.18		Cast iron (except malleable cast iron) parts, not alloyed and not advanced beyond cleaning, and machined only for the removal of fins, gates, sprues, and risers, or to permit location in finishing machinery.....	2.5% ad val.	10% ad val.	
662.20		Other.....	10% ad val.	35% ad val.	”

(b) (1) Except as provided in paragraph (2), the amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption, after the date of the enactment of this Act.

(2) Upon request therefor filed with the customs officer concerned on or before the 120th day after the date of the enactment of this Act, the entry or withdrawal of any article described in item 662.18 of the Tariff Schedules of the United States (as added by subsection (a)) which was made after August 30, 1963, and on or before the date of the enactment of this Act shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal has been made on the day after the date of the enactment of this Act. For

46 Stat. 734.
19 USC 1514.

purposes of the preceding sentence, in the case of an entry or withdrawal of any article made before January 1, 1968, the rate of duty in rate column numbered 1 of item 662.18 of the Tariff Schedules of the United States (as added by subsection (a)) shall be treated as being 3 percent ad valorem.

(c) Effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after January 1, 1969, January 1, 1970, January 1, 1971, and January 1, 1972, item 662.18 of the Tariff Schedules of the United States (as added by subsection (a)) is amended by striking out the matter in rate column numbered 1 and inserting in lieu thereof, respectively, "2% ad val.", "2% ad val.", "1.5% ad val.", and "1.5% ad val."

(d) The rates of duty in rate column numbered 1 of the Tariff Schedules of the United States (as amended by the subsections (a) and (c)) shall be treated as not having the status of statutory provisions enacted by the Congress, but as having been proclaimed by the President as being required or appropriate to carry out foreign trade agreements to which the United States is a party. The rate of duty in rate column numbered 1 of item 662.20 of the Tariff Schedules of the United States (as amended by subsection (a)) shall not supersede the staged rates of duty provided for such item in Annex III to Proclamation 3822, dated December 16, 1967 (32 Fed. Reg., No. 244, part II).

SEC. 2. (a) The headnotes for schedule 3 of the Tariff Schedules of the United States (19 U.S.C. 1202) are amended by adding after headnote 6 the following new headnote:

"7. With respect to fabrics provided for in part 3 (other than fabrics valued over \$2 per pound provided for in item 337.50) and in part 4 of this schedule, provisions for fabrics in chief value of wool shall also apply to fabrics in chief weight of wool (whether or not in chief value of wool). For the purposes of the preceding sentence, a fabric is in chief weight of wool if the weight of the wool component is greater than the weight of each other textile component (i.e., cotton, vegetable fibers except cotton, silk, manmade fibers, or other textile materials) of the fabric."

(b) Items 355.70, 356.30, and 359.30 of the Tariff Schedules of the United States are each amended—

(1) by striking out "32% ad val." and inserting in lieu thereof "37.5¢ per lb. + 32% ad val."; and

(2) by striking out "50% ad val." and inserting in lieu thereof "50¢ per lb. + 50% ad val."

(c) The amendments made by subsections (a) and (b) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after the date of the enactment of this Act.

(d) (1) For purposes of applying sections 256(4), 256(5), and 351(b) of the Trade Expansion Act of 1962 and section 350(c) (2) (A) of the Tariff Act of 1930—

(A) the rates of duty in rate column numbered 1 of the Tariff Schedules of the United States (as changed by subsection (b)) shall be treated as the rates of duty existing on July 1, 1962; and

(B) the rates of duty in rate column numbered 2 of such Schedules (as changed by subsection (b)) shall be treated as the rates of duty existing on July 1, 1934.

(2) The rates of duty in rate column numbered 1 of the Tariff Schedules of the United States (as amended by subsection (b)) shall be treated as not having the status of statutory provisions enacted by the Congress, but as having been proclaimed by the President as being required or appropriate to carry out foreign trade agreements to which the United States is a party.

Post, p. 1576.

Wool; chief
value, chief
weight.

Post, p. 1469.

Wool, rate of
duty.
77A Stat. 146,
147.

Effective date.

76 Stat. 881,
900.
19 USC 1886,
1981.
69 Stat. 165;
72 Stat. 675.
19 USC 1351.

SEC. 3. (a) The Secretary of the Treasury is authorized and directed to admit free of duty one mass spectrometer, and all equipment, parts, accessories, and appurtenances for such spectrometer which accompany it, imported for the use of Utah State University.

Spectrometer for
use of Utah State
University.
Duty-free entry.

(b) Upon request therefor filed with the customs officer concerned on or before the 120th day after the date of the enactment of this Act, the entry or withdrawal of the articles described in subsection (a) shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated in accordance with the provisions of subsection (a).

46 Stat. 734
19 USC 1514.

Approved October 24, 1968.

Public Law 90-639

AN ACT

To amend the Federal Food, Drug, and Cosmetic Act to increase the penalties for unlawful acts involving lysergic acid diethylamide (LSD) and other depressant and stimulant drugs, and for other purposes.

October 24, 1968
[H. R. 14096]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 201 (v) (3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by striking out "any drug" and inserting in lieu thereof "lysergic acid diethylamide and any other drug".

LSD and other
depressant and
stimulant drugs.
79 Stat. 227.

SEC. 2. (a) Section 511(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360a(c)) is amended to read as follows:

Possession,
restriction.

"(c) No person, other than a person described in subsection (a) or (b) (2) of this section, shall—

"(1) possess any depressant or stimulant drug for sale, delivery, or other disposal to another, or

"(2) otherwise possess any such drug unless such drug was obtained directly, or pursuant to a valid prescription, from a practitioner (licensed by law to prescribe or administer such drug) while acting in the course of his professional practice."

(b) Clause (3) of paragraph (q) of section 301 of such Act (21 U.S.C. 331(q)(3)) is amended to read as follows: "(3) (A) the possession of a drug in violation of section 511(c)(1), or (B) the possession of a drug in violation of section 511(c)(2);".

SEC. 3. Section 303 of such Act (21 U.S.C. 333) is amended by striking out subsections (a) and (b) and inserting in lieu thereof the following new subsections:

Penalties.
52 Stat. 1043;
79 Stat. 233.

"SEC. 303. (a) Any person who violates a provision of section 301 (other than a provision referred to in subsection (b) of this section) shall be imprisoned for not more than one year or fined not more than \$1,000, or both; except that if any person commits such a violation after a conviction of him under this subsection has become final, or commits such a violation with the intent to defraud or mislead, such person shall be imprisoned for not more than three years or fined not more than \$10,000, or both.

"(b) (1) Any person who violates clause (1), (2), or (3) (A) of section 301(q), or violates, with respect to a depressant or stimulant drug, any of the provisions of paragraph (3) of section 301(i), shall, except as otherwise provided in paragraph (2) of this subsection, be imprisoned for not more than five years or fined not more than \$10,000, or both.

"(2) Any person eighteen or older who violates clause (2) of section 301(q) by selling, delivering, or otherwise disposing of any depressant or stimulant drug to a person who is under twenty-one, shall be imprisoned for not more than ten years or fined not more than \$15,000, or both, except that if any person commits such a violation after a conviction of him under this paragraph has become final, he shall be imprisoned for not more than fifteen years or fined not more than \$20,000, or both.

"(3) (A) Except as otherwise provided in this subparagraph or in subparagraph (B), any person who violates clause (3) (B) of section 301(q) shall be imprisoned for not more than one year or fined not more than \$1,000, or both. If any person commits such a violation after two prior convictions of him for violation of such clause have become final, he shall be imprisoned for not more than three years or fined not more than \$10,000, or both.

"(B) In the case of any person who is convicted for the first time of violating a provision of section 301(q) and whose conviction was for violating clause (3) (B) of such section, the court may suspend the imposition or execution of sentence and place such person on probation subject to such conditions as the court may impose and for such period, not to exceed one year, as the court may prescribe. The court may, in its discretion, unconditionally discharge such person from probation prior to the expiration of the maximum period prescribed for such person's probation. Such discharge shall automatically set aside the conviction, and the court shall issue to such person a certificate to that effect. If during the period of his probation such person does not violate any of the conditions of his probation, his conviction shall at the expiration of such period be automatically set aside, and the court shall issue to such person a certificate to that effect."

SEC. 4. (a) Section 201(a)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(a)(2)) is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "; except that such term includes the Canal Zone for the purposes of sections 201, 301(i), 301(p), 301(q), 302, 303, 304 (other than paragraph (1) of subsection (a)), 307, 510, 511, 702, 703, 704, and 705 as they apply to depressant or stimulant drugs, containers thereof and equipment used in manufacturing, compounding or processing any such drug."

(b) Section 304(a) of such Act (21 U.S.C. 334(a)) is amended by inserting "or United States court of a Territory" after "district court of the United States" wherever these words occur.

SEC. 5. It is the sense of the Congress that, because of the inadequate knowledge on the part of the people of the United States of the substantial adverse effects of misuse of depressant and stimulant drugs, and of other drugs liable to abuse, on the individual, his family, and the community, the highest priority should be given to Federal programs to disseminate information which may be used to educate the public, particularly young persons, regarding the dangers of drug abuse.

SEC. 6. The amendments made by this Act shall apply only with respect to violations of the Federal Food, Drug, and Cosmetic Act committed after the date of the enactment of this Act.

SEC. 7. The last sentence of Public Law 90-489 is amended to read as follows: "The name of the National Institute of Neurological Diseases and Blindness is hereby changed to the 'National Institute of Neurological Diseases and Stroke'."

Approved October 24, 1968.

Canal Zone,
applicability.
76 Stat. 796.

52 Stat. 1044,
79 Stat. 232.

Public infor-
mation programs,
priority.

National Insti-
tute of Neuro-
logical Diseases
and Blindness.
Name change.
Ante, p. 772.

Public Law 90-640

AN ACT

October 25, 1968
[S. 2012]

To amend the District of Columbia Public School Food Services Act to provide for the payment of salaries of food service employees from appropriated funds, to provide for adjustments in those salaries, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(d) of the District of Columbia Public School Food Services Act (65 Stat. 368; D.C. Code, sec. 31-1402) is amended by striking out "at rates of pay to be fixed by said Board without reference to the Classification Act of 1949," and inserting in lieu thereof a period and the following: "The Commissioner of the District of Columbia shall fix and adjust, from time to time, the rates of pay of such personnel in accordance with the rates of pay of personnel in positions of similar levels of duties, responsibilities, and qualification requirements, as determined by the Commissioner."

D.C. Public
School Food
Services Act,
amendment.

SEC. 2. The last sentence of section 5 of the District of Columbia Public School Food Services Act (65 Stat. 369; D.C. Code, sec. 31-1404) is amended to read as follows: "The Food Services Fund shall be available for the payment of all expenses, other than personal services, necessary for the operation of the Department of Food Services, to the extent that appropriations, other than appropriations for personal services, are not available or are insufficient to pay such expenses in the fiscal year concerned."

Food Services
Fund.

SEC. 3. Section 6 of the District of Columbia Public School Food Services Act (65 Stat. 369; D.C. Code, sec. 31-1405) is amended to read as follows:

72 Stat. 1735.

"SEC. 6. Appropriations are authorized for the payment of compensation for all personal services necessary for the operation of the Department of Food Services and for the acquisition, maintenance, and replacement of equipment for use in that operation."

SEC. 4. Unobligated funds, not to exceed \$148,000, appropriated to the general fund of the government of the District of Columbia for the fiscal year ending June 30, 1968, may be used to increase the compensation of employees in the Department of Food Services in the public schools of the District of Columbia, for the period beginning February 11, 1968, and ending June 30, 1968.

Food Services
employees, com-
pensation, funds.

SEC. 5. (a) Retroactive pay is authorized for the period beginning on February 11, 1968, and ending on the date on which adjustments in rates of pay are officially ordered by the Commissioner of the District of Columbia as a result of the enactment of this Act; but such retroactive pay shall be paid only—

Retroactive pay,
conditions.

(1) in the case of an individual in the service of the Board of Education of the District of Columbia (including service in the Armed Forces of the United States) on the date on which such adjustments in rates of pay are so ordered;

(2) to a former employee within the classes of employees whose pay is adjusted, by official order of the Commissioner of the District of Columbia as a result of the enactment of this Act, who retired during the period beginning on February 11, 1968, and ending on the date on which such adjustments in rates of pay are so ordered, for services rendered during such period; and

(3) in accordance with subchapter VIII of chapter 55 of title 5, United States Code, relating to settlement of accounts of deceased employees, for services rendered, during the period beginning on February 11, 1968, and ending on the date on which such adjustments in rates of pay are so ordered, by a former employee within the classes of employees whose pay is adjusted by

80 Stat. 495.
5 USC 5581-5583.

official order of the Commissioner of the District of Columbia as a result of the enactment of this Act, who died during such period.

(b) For the purposes of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the government of the District of Columbia.

Effective dates.

SEC. 6. (a) The preceding sections of this Act shall become effective as of July 1, 1968.

(b) For the purposes of determining the amount of insurance for which an individual is eligible under chapter 87 of title 5, United States Code, relating to group life insurance for Government employees, all adjustments in rates of pay, which are officially ordered by the Commissioner of the District of Columbia as a result of the enactment of this Act and which become effective in any period prior to the date on which such adjustments in rates of pay are so ordered, shall be held and considered to become effective on the date on which such adjustments are so ordered.

Approved October 25, 1968.

80 Stat. 592;
81 Stat. 219, 646.
5 USC 8701-
8716.